

PLANNING APPLICATION REF. 18/00812/FULL

**DESCRIPTION OF DEVELOPMENT:
PART RETROSPECTIVE RAISED DECKING AND ASSOCIATED STEPS**

AT

FERN COTTAGE KIRKTON OF AUCHTERHOUSE DUNDEE DD3 0QS

REPRESENTATIONS

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Dr Abigail bircham

Address: 1 Newport Farm Close North Carlton Lincoln

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to confirm my strong objection to the raised ground level, decking and fence that has already occurred and the plans to raise the height of the fence even further by 150mm along its entire length. I frequently visit the neighbouring property and it has changed the "village" character of the stone dyke wall and is very overbearing for the Paterson's who live next door. The stone dyke wall is also not a retaining wall and is starting to move with the extra pressure from the raised ground level. The raised level of the decking means that the fence is at lower chest level and the occupants of Fern cottage loom over the Paterson's garden - they have privacy but the Paterson's certainly don't. As a doctor, I would also like to mention the effect this is having on the mental well-being. They are very anxious and stressed about the effect this is having on their back garden to the point that they no longer enjoy being there. If you visit their property you would be able to see how much they have enjoyed gardening in the past. I hope that you will seriously consider the implications of this decision, not only for the safe future of the characteristic stone wall but also for the well-being of the occupants next door who have lived there for 48 years.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Neil Paterson

Address: 23 Queen Street, Gourdon DD10 0LG

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the following reasons:

Overlooking / privacy.

Not in character with Village.

The upper deck is still large enough to present a useable high-level platform (not a step) at ~1m from the top of the fence, which creates a strong one way overlooking problem. Which impacts on the enjoyment of the rear garden to the property to the north. This deck is over 1m high which is rather excessive for a deck in proximity to a boundary.

In the drawing one of the fence measurements is clearly incorrect (typo?), this should be corrected to allow correct evaluation of heights. (10.48 by the house while the next "lower" point is 10.89). Their planning drawing also points to the fence exceeding 2m. 10.68 - 8.65 (2.03), 10.89 - ~8.75 (2.14), 10.98? - 8.85 (2.13).

The lower deck even in the applicants drawings that is adjacent to the boundary is in excess of 500mm and is not included in the application. They have incorrectly used the north-west point of the lower deck where the original ground level was highest rather than the north-east point of the lower deck where their drawing illustrates an average 200mm drop in original ground level, both via fence height and their ground level heights. The deck is clearly circa 650-750 in height measuring from the legally correct point (lowest soil level). This heavily contributes to the issues with overlooking.

The major ground works covering more than 95% of the rear garden (excluding hard surfaces /

deck) which can not be accepted under class 3b, due to being more than 50% of the rear garden (read specific exclusions). Are in excess of 600mm as is visible in the photo of the lower deck and with the correct lower deck measurement height. It is wrong to create a ground level platform in excess of the maximum deck level platform, without specific planning permission. This highlights the extent of change required to support this excessive and overbearing construction.

North & West wall damage

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Neil Paterson

Address: Not Available

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the following reasons:

Overlooking / privacy.

Not in character with Village.

The upper deck is still large enough to present a useable high-level platform (not a step) at ~1m from the top of the fence, which creates a strong one way overlooking problem. Which impacts on the enjoyment of the rear garden to the property to the north. This deck is over 1m high which is rather excessive for a deck in proximity to a boundary.

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The major ground works covering more than 95% of the rear garden (excluding hard surfaces /

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North & West wall damage

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Ms Mo Wiltosz

Address: Four Winds Old Whiskey Road Auchterhouse

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this Planning Application on the basis of :-

1. The timber fence from Blanerne's side is too high (at 2.250M) and overbearing. It is also out of character to a dry stone wall and the village itself. To raise the fence even higher by 150mm would take the fence above its permitted maximum height of 2.0M on Fern Cottage's side of the mutual boundary and would only serve to exacerbate this objection.
2. The deck has been constructed out with the maximum permitted height of 0.5M above ground level, as per domestic permitted rights. The deck has been constructed at a height of 750mm approximately above original ground level at the East edge and is in close proximity to the mutual boundary wall. This deck should have been constructed at ground level, or thereby, and away from the mutual boundary wall to prevent overlooking and loss of privacy.
3. The earthworks carried out in close proximity to the mutual boundary wall have raised the garden levels to within 500mm of the top of the mutual dry stone wall. This high level of soil causes an overlooking problem and loss of privacy and will eventually cause damage to this wall and as such the applicant should remove this soil to reinstate the ground to the previous levels.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Rosemary Wright

Address: Tiree Main Street Kirkton of Auchterhouse

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: *There was some discussion before all this work started and some agreement appeared to be reached but in actual fact Mr McNaughton just went ahead and would appear to have done what he wanted, disregarding any agreement on what was proposed and also disregarding the appropriate regulations. It would appear he wants to raise the fence even higher which would make the fence even more unacceptable and overbearing!

*The dry stane dyke has stood for well over 100 years and has recently been checked and stabilised. It is in keeping with the Auchterhouse environment and heritage - it will stand the test of time - but a wooden fence that is too high and overbearing does not enhance the boundaries appearance?

*Mr McNaughton has one-way privacy it would appear which, due to the height of the deck compared to the top of the fence, the Paterson's do not have.

*I am objecting to this development as a concerned neighbour.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Patricia Caswell

Address: 11 Curling Pond Court Cupar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have visited the property north of the applicant on many occasions over the last 10+ years, and I have seen Fern Cottage and its gardens prior to all of these changes and in their current state. The alterations are dramatic and not to the benefit of the village or to the property to the north.

It seems that due to Fern Cottage being built at road level to the west, its floor level is surprisingly high compared to the original rear garden. The applicants have desired to create a deck at floor level exiting their lounge to the east, but as their floor level is around 5 and half feet from ground level, and the deck would extend east several feet. They have taken what was a picturesque sloping garden and filled it by 2 or so feet in depth and flattened it out, in order to build a deck on top of the raised soil, to reach the desired 5 plus feet to their floor level.

They have had to build an out of character fence as the raised levels make the wall that has stood for over 100 years look irrelevant from their side. As the fence has to enclose a couple of feet of raised soil and a further 4 feet of deck, even at around the maximum permitted height from their side, it is still only waist height for them. From the north garden it is a staggering 7 feet at least.

Reviewing the plans and looking at the current fence it is clear they aim to add another board to it which is a further half foot. It is already extremely overbearing making the garden in proximity to the fence in constant shadow and wet. The family in the garden to the north have established fruit plants on the southern boundary, a lawn, and most of their gardens relaxation and pleasure areas are near this fence, which now looks akin to the palisades of a fort.

This has caused distress and unhappiness to the house and garden proud neighbours to the north. Everything the planning guidance are there to avoid, but have clearly been disregarded, on

height and proximity, all to extend a lounge.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Miss Leonie Paterson

Address: 16 Frogston Gardens Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After previous planning application ref 17/00771/FULL being refused on grounds of an overbearing boundary fence combined with overlooking from a raised deck spoiling the use & enjoyment of the neighbouring garden, I am surprised to see another application that doesn't solve these problems & would like to raise these concerns:

The figures on the plans appear to be incorrect & need examining as the numbers don't add up. If one compares the current plan with what is on site one can see that the plans show the top of the fence & the decking both 70mm lower than they actually are, so if the Fern Cottage fence is raised by 150mm as proposed, one can work out by comparing the original planning application with the current submitted drawing that it will in reality result in a fence that is over 2.1m in height above ground level.

The ground level at Fern Cottage has been previously raised meaning a fence of reasonable height on that side is intolerably high on Blanerne's side- to raise it higher by another 150mm will only exacerbate this & it is unclear if this will solve the problem of the occupants of Fern Cottage retaining their privacy whilst taking it from Blanerne's.

The current fence already extends over the existing heritage drystone wall, does not fit with the look of the wall & overshadows part of Blanerne's garden- the fruit garden there is now compromised. The pressure from the soil built up on Fern Cottage's side has already caused the wall to move at the east end.

These changes to Fern Cottage & the proposed planning applications have had a detrimental effect on the health of the occupants of Blanerne, their being in a constant state of stress & anxiety.

Can there be a compromise involving lowering the ground back to original levels to save the wall & lowering the deck to ground level instead of raising the fence, so that both parties have privacy? Locating the deck away from the mutual boundary would also minimise any overlooking/privacy issues.

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Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Neil Paterson

Address: 23 Queen Street, Gourdon DD10 0LG

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the following reasons:

Overlooking / privacy.

Not in character with Village.

The upper deck is still large enough to present a useable high-level platform (not a step) at ~1m from the top of the fence, which creates a strong one way overlooking problem. Which impacts on the enjoyment of the rear garden to the property to the north. This deck is over 1m high which is rather excessive for a deck in proximity to a boundary.

In the drawing one of the fence measurements is clearly incorrect (typo?), this should be corrected to allow correct evaluation of heights. (10.48 by the house while the next "lower" point is 10.89). Their planning drawing also points to the fence exceeding 2m. 10.68 - 8.65 (2.03), 10.89 - ~8.75 (2.14), 10.98? - 8.85 (2.13).

The lower deck even in the applicants drawings that is adjacent to the boundary is in excess of 500mm and is not included in the application. They have incorrectly used the north-west point of the lower deck where the original ground level was highest rather than the north-east point of the lower deck where their drawing illustrates an average 200mm drop in original ground level, both via fence height and their ground level heights. The deck is clearly circa 650-750 in height measuring from the legally correct point (lowest soil level). This heavily contributes to the issues with overlooking.

The major ground works covering more than 95% of the rear garden (excluding hard surfaces /

deck) which can not be accepted under class 3b, due to being more than 50% of the rear garden (read specific exclusions). Are in excess of 600mm as is visible in the photo of the lower deck and with the correct lower deck measurement height. It is wrong to create a ground level platform in excess of the maximum deck level platform, without specific planning permission. This highlights the extent of change required to support this excessive and overbearing construction.

North & East wall damage

Submitted Photos of As-erected deck and Raised Soil Levels

On carrying out an online search, on 14-11-2018, I came across your report “Item No 5 - Report No 159/18 - Fern Cottage, Kirkton of Auchterhouse - 159_0.pdf” which was prepared by yourselves as part of the Appeal process which contains photos submitted by the appellant showing the as-constructed deck and raised soil levels within his rear garden which clearly shows that the deck and raised ground levels are considerably higher than those quoted, by yourselves, in previous documents viz.480mm and 410mm respectively.

On examining these photos, and in particular the 2 undernoted ones, you will find that the levels/heights of the deck and raised soil levels, which are derived from using those levels stated in the recently submitted section drawing, appear to be conservative in arriving at their respective heights within **Document 1**, when compared to the actual deck and raised soil levels shown in the photos.





At the east edge of the deck when you examine these photos you will note that the deck level is 8 planks (at 150mm each=1.200M) down from the top of the fence and that the raised soil level, once projected through to the fence, is approx. at the underside of the 9th plank at 1.350M down from the top of the fence.

Given that the fence, at this location, is 1.950M high from original ground level (as per calculations contained in **Document 1**) results in both the deck being close to 750mm high and the raised soil level being close to 600mm high when compared to original ground levels.

As stated previously, both these heights are considerably higher than those quoted, by yourselves, in previous documents viz.480mm and 410mm respectively.

I would point out that even using the inaccurate levels within the appellants' Section drawing still gives a height of 1.880M for the as-erected fence (10.68 minus 150 minus 8.65 = 1.880M) and a deck height of 660mm (1.88 minus 1.22 = 660mm). This lower height of 660mm still exceeds the permitted height of 500mm for a deck.

Document 1 highlights the inaccuracies in the measurements, therefore the actual position, as currently detailed on the drawing, when corrected, would be more detrimental by 70mm.

I trust you will not overlook these facts when considering this application.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Bill Mclaughlin

Address: 20 Lawson Terrace Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: After working and participating in the refurbishment works at Fern cottage for the better part of 2017 i personally think the property has prospered for the better , The removal of the overgrown bushes and trees must have had a great impact on the existing dry stone boundary wall to the north elevation of the property, Hence leaving it in a far better condition with no roots undermining its foundation . As per previous comments i have read about ground levels being raised this is far from being correct and in my opinion if anything the ground levels were probably slightly lowered ,Also the new ranch style fence along the North elevation of the property at Fern cottage surely can not be overbearing to the Patterson`s fruit garden as it appears to be quite significantly lower than the original trees and bushes that were there originally (check photographs) creating a total sun and light block to the fruit garden .My personal opinion is that it seems Mr Patterson has recruited family and friends to send in complaints to try and win round the council in its decision on this application. Looking at the property now from what it was like just 2 years ago it certainly has been significantly upgraded internally and externally for the better which doesn`t always suit some people .(Drop the personal vendetta Mr Patterson). As a local builder from Forfar i can`t thank the residents of Fern Cottage enough for giving me the opportunity to carry out the restoration and refurbishment works to their property, because of this work i have managed to pick up numerous contracts throughout the village on other properties and it was all because my new customers were delighted with what they saw being done at Fern cottage .

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Elizabeth Nikolaou

Address: 15 Madras Road Auchtermuchty

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been a regular visitor to Auchterhouse over the years and have noticed recently that a number of houses have been getting refurbished, bringing the village out of the dark ages and into the 21st century. There has been a vast improvement of late, hopefully encouraging young people to move to the area and continue the much needed refurb. I travel along the Tealing road and have noticed a house (Fern Cottage) that has had its exterior transformed. I did notice that the overbearing large trees have been removed and replaced with a fence which in my opinion, blends into the surroundings and also allows light to reflect on the property. I love the little red squirrel figure on their wall at the roadside which is a reminder of the importance of saving and looking after our wildlife. Here's to the future of this upcoming village!

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Ms CHERYL CRONIN

Address: 38 MARLEE ROAD BROUGHTY FERRY DUNDEE

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: IN MY CURRENT PROFESSION AS A SURVEYOR FOR BROADBAND PROVISIONS TO RESIDENTIAL HOMES I HAVE TO COMMEND THE HIGH QUALITY & STANDARD OF IMPROVEMENTS THAT HAVE BEEN ADDED TO THIS PROPERTY AND ALSO THE SURROUNDING PROPERTIES WHO ARE FOLLOWING SUIT. THIS SHOULD BE TAKEN INTO CONSIDERATION FOR THIS APPLICATION. NEIGHBOURING HOUSEHOLDERS ARE IMPRESSED BY THE HIGH STANDARDS THAT ARE BEING AND WILL BE MAINTAINED. AUCHTERHOUSE IS AN UP & COMING AREA FOR NEW BLOOD AND THIS PROPERTY IS CERTAINLY AN APPLE TO THE EYE FOR ANY POTENTIAL NEW COMERS TO THIS AREA. PROPERTY HOLDERS SHOULD BE COMMENDED FOR THE PRIDE AND QUALITY OF WORK THAT HAS BEEN AND IS STILL BEING DONE. OTHER RESIDENTS ARE ALSO MAKING MASSIVE UPGRADES TO THEIR OLDER PROPERTIES AS A RESULT WHICH CAN ONLY BE A POSITIVE IMPACT ON THE AREA.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Ms CHERYL CRONIN

Address: 38 MARLEE ROAD BROUGHTY FERRY DUNDEE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: IN MY CURRENT PROFESSION AS A SURVEYOR FOR BROADBAND PROVISIONS TO RESIDENTIAL HOMES I HAVE TO COMMEND THE HIGH QUALITY & STANDARD OF IMPROVEMENTS THAT HAVE BEEN ADDED TO THIS PROPERTY AND ALSO THE SURROUNDING PROPERTIES WHO ARE FOLLOWING SUIT. THIS SHOULD BE TAKEN INTO CONSIDERATION FOR THIS APPLICATION. NEIGHBOURING HOUSEHOLDERS ARE IMPRESSED BY THE HIGH STANDARDS THAT ARE BEING AND WILL BE MAINTAINED. AUCHTERHOUSE IS AN UP & COMING AREA FOR NEW BLOOD AND THIS PROPERTY IS CERTAINLY AN APPLE TO THE EYE FOR ANY POTENTIAL NEW COMERS TO THIS AREA. PROPERTY HOLDERS SHOULD BE COMMENDED FOR THE PRIDE AND QUALITY OF WORK THAT HAS BEEN AND IS STILL BEING DONE. OTHER RESIDENTS ARE ALSO MAKING MASSIVE UPGRADES TO THEIR OLDER PROPERTIES AS A RESULT WHICH CAN ONLY BE A POSITIVE IMPACT ON THE AREA.

APOLOGIES INITIAL SUBMISSION IS FOR SUPPORTING PROPERTY OWNER NOT OBJECTING.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Terry Kerrigan

Address: Bites cottage Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Reference the the land on decking being raised which I find strange as I had about two tons of the earth moved into my back garden from Fern cottage.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Richard McLachlan

Address: 5 Blacklaw Drive Birkhill Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a local joiner and builder who has worked internally and externally at this property, I cannot understand Mr Paterson's issue and concern. He contradicts himself by wanting a view from his property but not wanting to be overlooked. When Mr Ian McNaughton and Miss Irene Grant bought the property there was a stone dyke wall between the two properties and 15ft high trees causing no light entering Mr Paterson's fruit pen or his property. These trees were removed allowing light in and a view from Mr Paterson's property. Since the erection of decking and fencing on Mr McNaughton's property, there has been ongoing aggravation about loss of both light and view in Mr Paterson's property. Regarding height of fences, Mr Paterson has 10ft high fences around his own property at places. I believe that the restoration work on this property and gardens have complimented both the property and the village.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Irene Kerrigan

Address: Birse Cottage, Auchterhouse By Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We are writing in support of the above Application.

We have lived at Birse Cottage, Kirkton of Auchterhouse for 24 years, directly opposite Fern Cottage.

Since Mrs Grant & Mr McNaughton started their renovation of Fern Cottage they have kept us fully advised of deliveries by lorries, work which might effect us and any parking issues. Also, the noise has been kept to a minimum and within working hours.

We feel Mrs Grant & Mr McNaughton have carried out the work to Fern Cottage professionally and to a very high standard and is certainly an improvement to the village environment. They have made plenty of parking for themselves and any visitors.

The drystone dyke which Mr McNaughton built is attractive, as is the whole look of the house.

We have seen the up-graded back garden of Fern Cottage and would say that this, like the whole renovation project, has been done to a very high standard.

Mr & Mrs T Kerrigan

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Patrick Kelly

Address: 8 Southampton Road Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Auchterhouse has been one of my favourite local areas for about 70 years now. My first visit was as a 10 year old boy after a spell in Dundee Royal Infirmary with a chest illness and after release I was allocated a two week stay at Sunny Blink House, Auchterhouse. There were other children there as well. Anyway, we used to go on some nice walks while there and also visits to nearby farms. I really liked it and made a point of returning to the area often over the years, initially by bicycle with friends from Dundee and then by car once I was able to drive. I took my family out there many times and we often had picnics on the hills.

I got a very pleasant surprise when I learned that my sister-in-law Irene Grant and her partner Ian had bought a house there and couldn't wait to see it. I thought it was in a lovely setting though I did agree that the high fence and hedge of trees would have to go. Since doing so they have made a tremendous difference to both front and rear areas. A vast improvement indeed! I know that many local people have complimented them on their work and it seems a shame that the next door neighbour is being so awkward about things and determined to cause problems for them.

Patrick Kelly.

Comments for Planning Application 18/00812/FULL

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Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Ms Joan Adam

Address: Lintrathen Cottage Kirkton of Auchterhouse Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Following the letter from the council and the objections lodged, I am at a loss to see what the problems are regarding the property. To my mind, Fern Cottage has been tastefully renovated to an exceedingly high standard, and fits in with the surrounding properties, which are eclectic. I reiterate that I am at a loss to see what the objections are about.

Comments for Planning Application 18/00812/FULL

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Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Ian Wilson

Address: 10 Ardownie Street Monifieth Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having read the various comments I find I disagree with the suggestion that Fern Cottage does not fit in with other houses in Kirkton of Auchterhouse. As Fern Cottage is built as a traditional cottage it actually more in keeping than other houses in the immediate area.

When seen from the Tealing Road Fern Cottage only stands out because it has been recently cleaned and refreshed.

From:Irene Kerrigan

Sent:Sun, 25 Nov 2018 10:13:09 +0000

To:PLANNING

Subject:Planning Application Reference: 18/00812/FULL - Proposed Development at Fern Cottage, Kirkton of Auchterhouse, Dundee Dd3 0QS

We are writing in support of the above Application.

We have lived at Birse Cottage, Kirkton of Auchterhouse for 24 years, directly opposite Fern Cottage.

Since Mrs Grant & Mr McNaughton started their renovation of Fern Cottage they have kept us fully advised of deliveries by lorries, work which might effect us and any parking issues. Also, the noise has been kept to a minimum and within working hours.

We feel Mrs Grant & Mr McNaughton have carried out the work to Fern Cottage professionally and to a very high standard and is certainly an improvement to the village environment. They have made plenty of parking for themselves and any visitors.

The drystone dyke which Mr McNaughton built is attractive, as is the whole look of the house.

We have seen the up-graded back garden of Fern Cottage and would say that this, like the whole renovation project, has been done to a very high standard.

Mr & Mrs T Kerrigan
Birse Cottage
Kirkton of Auchterhouse
By Dundee
DD3 0QS

Tel: [REDACTED]



Virus-free. www.avg.com

Service Manager
Planning Service
Angus Council
County Buildings
Market Street
Forfar DD8 3LG

13 November 2018

Our Ref: JF/CC

Email: claire.coutts@ryden.co.uk

Dear Sir / Madam

18/00812/FULL – PART RETROSPECTIVE RAISED DECKING AND ASSOCIATED STEPS AT FERN COTTAGE, KIRKTON OF AUCHTERHOUSE, DUNDEE DD3 0QS – LETTER OF OBJECTION

I refer to the above application which was validated on 17th October 2018 and write on behalf of Mr & Mrs Paterson, who reside at Blanerne, immediately to the north of Fern Cottage. My clients object to the revised application and are still aggrieved at the scale and positioning of both the decking and fence which still exerts an unacceptable impact upon the amenity of my clients' property and their levels of privacy.

At the outset, it is important to state that my clients believe that the application continues to contain a number of inaccuracies in the measurements presented on the plans. Document 1 presents their view of the actual position, with further inaccuracies highlighted within the comments submitted to the previous application, specifically Documents 2 to 7 of the appeal letter.

Background

This is the second application for the site in response to application (ref 17/00771/FULL) which was refused on 19 December 2017 for the following reason:

- That the proposed development, by virtue of the height of the raised section of fence and the height of the decking would introduce overbearing impacts and overlooking which would have a detrimental effect on the amenity and enjoyment of the garden area to the north.

The applicant appealed this decision which was subsequently dismissed at the Development Management Review Committee on 14 June 2018 for the following reasons:

- The position and height of the decking and proposed height of the fence to counteract overlooking would be overbearing and detrimental to the amenity

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and enjoyment of the neighbouring garden ground. The proposal is contrary to Policy DS4: Amenity, TC4: Householder/Domestic Development and the Council's approved Householder Development Planning Advice Note.

My clients are not content that the revised application addresses these reasons for refusal. The proposals therefore continue to be contrary to the policy requirements of the Angus Local Development Plan 2016. The appropriate policies to consider are Policy DS4: Amenity and Policy TC4: Householder/Domestic Development. Consideration must also be given to Angus Council's approved Householder Development Planning Advice Note and whether the height of the deck and fence are appropriate.

Policy DS4: Amenity states 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. In relation to this application, Angus Council will consider the impacts of development on residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing. Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Policy TC4: Householder/Domestic Development requires that proposals for householder development will be supported where the siting, design, scale or massing of the proposal, does not adversely affect the residential amenity enjoyed by the house or surrounding domestic properties. Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Decking

The Council's approved **Planning Advice Note on Householder Development** provides more specific guidance on the issues that may affect the amenity of surrounding properties. It states that it is important that any decking is "**developed at, or as close to, ground level as possible (taking account of any level changes within the curtilage of the existing residential property)**". This is considered to be an important issue, which has previously been dismissed by Angus Council.

My clients were previously advised by Robert Parry of Angus Council's Planning Enforcement that the ground raising would require planning consent. They were then advised by Angus Council's planning department that it was permitted development under Class 3B of the Town and Country Planning Permitted Development (Scotland) Order 1992 (as amended). However, that Class of development contains an exclusion which states that development is not permitted if, as a result of the development, the area of ground covered by development within the front or rear curtilage of the dwellinghouse would exceed 50% of the area of the front or rear curtilage respectively. In this case, the ground raising covers 100% of the ground and should therefore require planning permission. This change in ground level, in addition to the difference in ground levels between the application site and

my client's property, creates a significant impact on the privacy and amenity of my client's garden and needs to be given more careful consideration.

Through the objection to the previous, refused application and its dismissal at appeal, my client argued that the application does not accurately reflect the original ground levels or the constructed finished floor levels. The revised application does clarify the original ground levels but my client maintains that there continue to be errors in these measurements (Document 1). In addition, the application does not take account of any changes in ground levels as required by guidance and do not position or develop the decking as close to the original ground level as possible.

The supporting letter makes reference to the changes that have taken place between this application and the refused application, but the most important consideration in relation to the amenity and privacy of my client's property is the height of the deck. The height of the deck appears to be unchanged from the first application, with only the depth reduced to 1m. The justification provided by the applicant that it can now **“only be used as a small platform for safe stepping out from the bi-folding doors, into the garden area, with the applicant only now having room to place some garden pots”** is disputed.

It is considered that the platform is still of a reasonable size to place a chair and if this occurred, would result in overlooking issues with the neighbouring garden. From the plans, it appears that the lower deck level sits at a range of between 0.88 and 1.43m above the ground level of my client's garden and at the highest point, where the applicant would step out from the bi-folding doors, rises to between 1.45 and 2m above the ground level of my client's garden. This will have an impact on my client's privacy and enjoyment of their garden. If the platform is only to be used for safe stepping to the garden area as stated in the supporting letter, it is considered that access and egress should be via a flight of steps, rather than a platform, which by definition, is a raised level surface on which people or things can stand (and therefore linger).

The guidance further states that, in relation to decking, it is important that it should **“be developed away from the mutual boundary between adjacent neighbouring properties”**. It goes on to state that decking can impact on the amenity of adjacent neighbouring properties and associated curtilages. If located too close to a mutual boundary, it may cause potential to overlook into neighbouring properties and result in a consequent loss of privacy. Equally, enclosing decking with additional fencing can result in adjacent neighbouring properties being faced with excessively tall boundary enclosures which may increase the overbearing impact on neighbouring properties and in some cases may cause overshadowing.

The covering letter submitted with the revised application (18/00812/FULL) states that the deck has been reduced in width so that it no longer abuts the fence adjacent to the neighbour's garden and is now 1.3 metres distant. From the drawings submitted it can be seen that the steps from the bi-folding doors no longer abuts the fence, however, the lower level of the deck is still sitting immediately adjacent to the

dry stone dyke defining the shared border between the application site (Fern Cottage) and my clients property (Blanerne). The measurements on the drawing show that, due to the difference in levels between the two gardens, the lower deck sits at between 0.88m and 1.43m higher than my clients garden, which means that the applicant will have the ability to see into my clients garden, affecting their privacy. Document 1 highlights the inaccuracies in the measurements, therefore the actual position would be more detrimental. If the lower deck was built at the original ground level, which my clients argue, should be the case, (as the ground raising requires consent) then this issue could be resolved.

Fence

The revised planning application does not reference the fence in the title, which gives the impression that it is to remain as erected. The supporting letter submitted with the application states that the fence has been lowered to match the height and run of the rest of the fence along the mutual garden boundary. However, if you compare the heights stated in the previous application with the new application, the fence increases in height by 150mm.

In relation to boundary treatments, the Householder Development Planning Advice Note states that it is important that they should not be a height which would ensure that it is intimidating or would reduce security overlooking from the existing residential property or other residential properties within the surrounding area; and not cause any adverse overlooking or overbearing impacts upon adjacent neighbouring properties.

The fence continues to cause adverse overbearing impacts upon my client's neighbouring garden ground, contrary to guidance. Due to the difference in ground levels and the changes to the original ground levels implemented by the applicant prior to constructing the deck, the fence becomes more prominent in scale and height.

The sections drawing submitted with the application notes the original ground level within Fern Cottage, at the mutual boundary, is given as 8.65m. The top of the mutual dry stone wall is given as 9.73m. Therefore, the height of the dry stone wall is $9.73 - 8.65 = 1.08\text{m}$. My client can confirm that this height is correct. From the top of the dry stone wall, the onsite measurement to the top of the erected fence is 870mm. Therefore the height from the top of the fence to the original ground level is $1.080 + 870\text{mm} = 1.950\text{m}$ at the east end of the deck and at 1.990m at the house elevation from the original ground levels within Fern Cottage. Document 1 contains further details of this measurement and verification of this by way of photographs.

However, due to the difference in ground levels between my client's property and Fern Cottage, the as erected fence becomes more prominent in scale at a height of 2.250m and 2.290m respectively. This will limit the quantity of daylight reaching my clients garden where various fruit plants are located adjacent to the dry stone dyke

which will have a limiting influence on their growth and extend the length of shadow cast across my clients rear garden.

Raising the fence by another 150mm, as calculated through the new drawings, would increase the height of the fence on my client's boundary to 2.100m and 2.140m from the original ground level within Fern Cottage. The height from my client's perspective would be 2.400m and 2.440m respectively and would exacerbate the mass and overbearing impact on their property's appearance. This would also increase the existing overshadowing contrary to Policy DS4: Amenity and TC4: Householder/Domestic Development.

Conclusion

There continues to be dubiety surrounding the measurements presented in the application. Regardless of this, the scale and massing of the fence and decking is inappropriate in the context of the surrounding residential environment and imposes a detrimental impact on the amenity of my client's garden and enjoyment of their private area.

It is argued that the fence has not been lowered and it is actually higher than that previously proposed. Together with the difference in ground levels and land raising carried out prior to development, produces an overbearing impact and detracts from the character of the setting created and enhanced by the well-maintained dry stone dyke. The integrity of this feature has been detrimentally impacted by the land raising and the presence of the fence abutting the wall.

The height of the deck platform also continues to affect the privacy of the neighbouring garden, with the lower deck still abutting the mutual wall contrary to policy. Therefore, in respect of scale, siting and the detrimental impact the decking and fencing imposes on the levels of the residential amenity at Blanerne, the application does not comply with Angus Local Development Plan Policy D4, TC4 or the Council's Planning Advice Note and as such, the application in its current form should be refused.

This has been a long and stressful process for my clients, which has affected the enjoyment of their garden and as such wish to reach a mutually acceptable solution. They suggest that, in order to mitigate the impacts of the proposal, the height of the deck should be lowered to 200mm above original ground level at the east edge and the entire structure (which would include the lower deck level) should be moved from the boundary wall with access and egress from the bi-folding doors via a flight of steps the same width as the doors, with a hand rail on either side.

This would ensure the deck is developed at, or close to original ground levels as possible and away from the mutual boundary and would therefore comply with the provision of Angus Council's planning advice note. It is considered that this would also mitigate any overlooking and privacy issues experienced by the neighbouring property at Blanerne. The fence should remain as erected and together with the

suggested reduction in the deck height would help reduce the overbearing impact on my client's garden.

I trust that these points will be taken into consideration in the determination of this application. My clients would be happy for any on site measurements to be taken from their property to enable an accurate position to be determined.

Yours sincerely



Claire Coutts
Associate

cc. M. Paterson, Blanterne, Kirkton of Auchterhouse, Dundee, DD3 0QS

Document 1

Existing Height of Fence and Deck at its North - East Elevation

- The fence has been constructed at a height of 1.950M at the east end of the deck and at 1.990M, which is an onsite physical measurement, at the house elevation from original ground levels within Fern Cottage.
- Due to differences in ground levels, the as-erected fence becomes more prominent in scale at a height of 2.250M and 2.290M respectively.
- Raising by another 150mm (current application) would increase the height of the fence on Fern Cottage's side of the boundary to 2.100M and 2.140M from original ground level
- If you check out the levels quoted, at the east end of the deck, on the submitted drawing, 18_00812_FULL-SECTIONS-2910360, you will note that the original ground level within Fern Cottage, at the mutual boundary, is given as 8.65M (dotted blue). The top of the dry stone wall is given as 9.73M. Therefore the height of the dry stone wall within this location from original ground level is $9.73 - 8.65 = 1.08\text{M}$. My client can confirm that this height is correct.
- From the top of the dry stone wall the onsite measurement to the top of the as-erected fence is 870mm (and not 800mm as detailed on the previous Sections Drawing (you have to deduct 150mm from stated level of 10.680M that the fence has been raised by in the latest drawing, to arrive at 10.53 for the level of the top of the as-erected fence for a like for like scenario as depicted in the photo)
- $10.53 - 9.73 = 800$ with the result that the top of the fence, lower deck and raised soil level, relative to the top of the dry stone wall and original ground levels, is shown as being 70mm lower than it actually is on site.
- To make the drawing accurate, the top of the fence, lower deck and raised soil level should be shown and detailed out at 70mm higher than presently shown/detailed when compared to the top of the dry stone wall and original ground levels.
- You can verify this dimension of 870mm by studying the right hand side of the enclosed photo wherein you can see, over the top of the dry stone wall, the underside of the plank which is 900mm (6No planks at 150mm) down from the top of the fence.



- Therefore the height from the top of the as-erected fence to the original ground level is $1.080 + 870 = 1.950\text{M}$. The deck level at the east end is 1.220M (height taken from drawing with increased height of 150mm deducted) down from the top of the as-erected fence, which results in the deck being $1.950 - 1.220 = 730\text{mm}$ above original ground level.
- The relationship between the top of the fence, deck level and original ground level is pro rata within this area of the works.
- You can verify this dimension of 1.220M by studying the right hand side of the enclosed photo wherein you can count 8No planks at 150mm from the top of the fence to the deck at its east edge. The relationship shown on the drawings between the top of the as-erected fence and the deck, at its east edge, at 1.220M is correct.
- You only have to look at the photo of the existing situation which is attached to this planning application to note that the step from the lower deck to the elevated path/soil level is 170mm approx. which when taken from the drawing height of 730mm gives an elevated depth of soil of 560mm approximately.
- The lower deck, at an erroneous stated height of 480mm , was not considered within the previous planning application as the lower deck was deemed to be permitted development which obviously it's not as, at a height of 730mm , it exceeds the permitted height of 500mm . Similarly this new planning application makes no mention of the lower deck or raised soil levels.

- Incidentally, the submitted drawing, once you have corrected the top of the fence level to 10.98 (the stated height of 10.48 cannot be lower than the next stated level to the east of 10.890) gives the height of the proposed fence at the house elevation from original ground level as:-

$$10.98\text{M} \text{ minus } 8.85\text{M} = 2.130\text{M}$$

This, when you deduct the 150mm increased height of the fence, at a height of 1.980M ties in very well with the on-site measurement of 1.990M to the roughcast cut off level on the north gable of Fern Cottage.



If there is any dubiety on your part as to the accuracy of any of the dimensions quoted above please arrange to come to site to check out, for yourself, the validity of the dimensions.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Lorna Bateman

Address: Manderley Leoch Road Kirkton of Auchterhouse

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: What I really want to say about this project at Fern Cottage is that it makes me angry. Yes, I do object to this application. Dry stane dykes are a feature of this area and one we were "pressed" to keep and look after. I admired Blannerne's dykes and gardens and the effort Mr Paterson took to keep them reinstated, repaired and looked after. Round there recently I was horrified to see the South one dwarfed, and probably endangered by a "stockade" and definitely made an irrelevance. The height of it is overwhelming. Shocked, is all I can say. The people of Fern Cottage are walking about head and shoulders above the fence! So the ground level and deck must be a lot higher than it used to be in [REDACTED] time. The Paterson's part of the rear garden, due to the height of the fence, is now cold and wet and dark and it really is not private any more.

I am puzzled as to why the upright posts are about 6" higher than the top of the fence. I'd have thought Mr McNaughton would have tidied the fence up by cutting the posts off level with the top board.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Iain Glass

Address: The Birches Pipers Way Auchterhouse

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having lived in Auchterhouse for over 35 years it has been gratifying to see the occupants at Fern Cottage take some pride in the appearance of their property. Previously the frontage of the property consisted of a broken wooden fence and a high overgrown hedge. The current google street map still shows the property as it was.

The current view of the property from the west has been greatly enhanced by the work done on it and the visual appearance has enhanced the village. Off street parking at the front has also improved road safety in the village.

The view of the property from the east side is very attractive so much so that the new Auchterhouse xmas card depicts Fern Cottage, the houses adjacent to it as well as the church steeple in a winter scene.

Much has been made of raised soil levels at the rear of Fern Cottage. I was one of three individuals I know who took delivery of soil from the site for landscaping work at my own property nearby.

Having a spaniel I am fully aware of their capabilities in jumping/climbing dry stone dykes and fully understand the reason for a wooden fence for pet safety. No amount of "training" will stop a spaniel with its "hunting" instincts left on its own in a garden from pursuing one of the many pheasants and deer which abound at the rear of the property.

The dry stone wall at the rear of the property has if anything now been protected by the trench between the lawn and the wall. I agree with others who commented that the previous hedging and trees caused more damage to the wall than the new arrangement.

In summary I feel the plan has no impact on the local area. Does not cause any noise,nuisance or smell. Has limited impact on privacy given the opening doors at the rear of the property give the same view into the neighbours as can be seen from the deck area. The current plan has no bearing on road safety,access or parking although these have all been enhanced by previous work on the property.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mrs Tracey Hudson

Address: West Happas By Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I commute daily to Auchterhouse and have done for the past three years. I feel, Fern cottage looks a lot better and the owners have put a lot of pride and thought into the changes of the property, which has made a difference. The property makes such a difference to the appearance of village in a modern, positive way but one that integrates into the village.

Email received from Irene Paterson on 28/11/18 reads as follows:-

Subject: 18/00812/FULL | Part Retrospective Raised Decking and Associated Steps | Fern Cottage
Kirkton Of Auchterhouse Dundee DD3 0QS

“I have decided to write my thoughts down. I feel unheard. The deadline of 15 November 2018 we were given for submitting comments obviously did not matter.

There seems to be a misunderstanding - we did **not** object to the appearance of Fern Cottage; we did not object to the persistent noise; we have not objected to Mr McNaughton’s workmanship – my husband admires it; we have not objected to the cat’s persistent fouling in our garden, or the dead birds in its wake; we have not objected to the plastic/concrete squirrel on the front boundary, although I prefer the real ones who naughtily need trees and vegetation to live and get around; we have not objected to a chimney too low to carry the smoke away; we have not objected to anything in the front really.

We objected straightforwardly to the boundary in the rear being savagely and unsympathetically altered. The initial discussions held about it were totally ignored, saying one thing and doing another. I objected to lies – the boundary was never a continuous hedge, I know that, I have lived here 48 years. The shrubs were usually tidy and trim and cut back from the boundary. It was filtering foliage, kinder and sound absorbing. I don’t like being overlooked from the drum- like deck structure as I garden. We were extremely hurt by the claim that we denied them access to our property. We never did. They were in and out of our garden at will, painting the wall, and doing their roof/fascia boards. Considering [REDACTED] we were all admiration for his ladder work on roof and wall painting. We didn’t object. I removed the empty paint pot and straightened the plants.

We object to the problem being about the back **boundary** – and people/officials only ever recognising **one** side. I know, as an English teacher, a boundary has 2 sides and I was led to believe that in Law it has 2 sides too. We object to the denials of soil- raising when it is so obvious and I think core samples would prove it. Our 2 houses were built at the same time (69/70) and the gardens and the field were at the same level, the drystone dykes were their boundary.

To counter something written earlier, the drystone wall on the boundary was renovated in 2012 and we were given guarantees it would last at least 50 years. The wall at the SE of our garden is now reacting to raised soil levels and the whole wall is being oppressed by a tall fence.

I have been made ill by accusations I can’t respond to. I believe I should be able to do so as a ratepayer and citizen.

Irene Paterson

Email from M I Paterson received on 28/11/18 reads as follows:-

18/00812/FULL

Dear Pauline

Further to the uploading of the revised PROPOSED SECTIONS and PROPOSED SITE PLAN on 27 November 2018 please find enclosed my comments on these drawings

for your records and necessary action. Can you please add this to the Objection documents.

Yours sincerely,

Malcolm Ian Paterson

Comments on Revised Drawings 27-11-2018

On checking out the revised "Sections aa & bb drawing" and the revised "Site Plan" I have the following comments to make.

The height of the fence remains as constructed – the additional plank has now been deleted.

The original drg.(December 2017) and revised drg. both show the visual relationship, as it is on site at the NE corner of the deck, from the top of the fence as 8No planks(8@150 = 1.200M) to the deck and 9No planks(9No@ 150 = 1.350M) to the raised soil level respectively (see Document 1A enclosed) .

To increase the level of the fence in isolation, without also raising the level of the deck and raised soil levels, throws this onsite, as constructed, relationship out of kilter (see Document 1 enclosed).

I note that from the house elevation the levels shown on the top of the fence have been increased in height by 10mm, 20mm, 30mm, 50mm, 30mm and 30mm respectively. The 10mm height increase at the house elevation now brings the height of the fence to 1.990M which now matches the onsite physically measured height from the roughcast cut off level which is at the original ground level.

As the fence has a straight fall from the house to the east boundary wall the raised dimension of 50mm is too high by 24mm approx.(fall is approx. 32mm/metre run and the measured distance on the drg. from level 10.63 to level 10.58 = 2.3M. Therefore difference in level = $2.3 \times 32 = 73.6$ mm. This has to be subtracted from 10.630M to give the next level to the east ($10.630 - 73.6 = 10.556$ as compared to the stated drawing level of 10.580M). It is my opinion that by raising this level by 50mm was an attempt to bring the top of the fence closer to the height of the fence as identified in Document 1 (wherein the top of the fence is shown as being too low by 70mm). From Document 1 it is stated that "To make the drawing accurate, the top of the fence, lower deck and raised soil level should be shown and detailed out at 70mm higher than presently shown/detailed when compared to the top of the dry stone wall and original ground levels." Raising this level by 50mm, in isolation, does not make the drawing accurate.

The height from the top of the dry stone dyke to original ground level on Fern Cottage remains the same at 1.80M($9.73 - 8.65 = 1.08$ M(3'- 6 ½")) which I can confirm is the correct height at this location.

From Document 1 the height of the fence at this location is 870mm + 1.080M = 1.950M which results in the depth of the raised soil level being 600mm approx.($1.950 - 1.350 = 600$ mm).

From the revised plan it is stated that the soil has been upfilled by 400mm at this location. From the above this is clearly wrong by a factor of 200mm as all the visual evidence, as presented within "Document 1A" shows that the soil has been raised by 600mm. From Document 6 submitted with the Appeal letter to the previous application it is shown that the soil has been upfilled by 390mm at the north east corner of Fern Cottage's garden.

I would also point out that the rear lawn has been raised as one operation/development over the whole area of the rear garden from the north edge of the garage drive to a depth of 600mm at the NE corner of the deck and to a depth of 390mm at the NE corner of the garden which represents 100% of the rear curtilage (excluding the ground area of the original dwelling house and any hard surface or deck – see Rev A of the Plan drawing enclosed).

Class 3B makes no reference, whatsoever, to the fact that you can exclude a portion of the works as it is considered to be de minimus. However, as the raised soil level at the NE corner of the deck is 600mm and not 400mm as stated on the Plan drawing Site plan I have revised the Plan RevA to show hard standings and de minimus delineation line, if de minimus was indeed legitimate, based on the Agent's parameters. From this drawing you will note that the qualifying area of soil raising for Permitted Development covers an area of 80% of the total area which exceeds the 50% exclusion clause – the de minimus area, which I don't agree with, only covers approx. 20% of the lawn area.

On checking the undernoted flowcharts they make it quite clear that Class 3B applies to:-

- “Structures in Gardens” see the title. - e.g. Oil Tanks, Flagpoles, Swimming Pools, Tennis Courts. As an aside, if you were to calculate the area of a swimming pool, would you ignore the shallow end from the calculation as it would be considered to be de minimus when compared to the deep end?

Therefore, Class 3B has nothing to do with changing the soil level, which fits better with “platform” Class 3D, which then fails at the following questions:-

- Does the footprint exceed 4 square metres?
- Is the floor level of the deck or platform higher than 0.5 metres?

Either of which would require planning permission.

This change in ground level of +600mm, in addition to the difference in ground levels between Fern Cottage and Blanerne, **creates a platform which has a significant impact on the privacy and amenity of my rear garden.**

<https://www.gov.scot/publications/permited-development-guidance-flowcharts/>
<https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2014/09/permited-development-guidance-flowcharts/documents/7b65d259-82a2-45f0-a8ec-c2bac1ab938e/7b65d259-82a2-45f0-a8ec-c2bac1ab938e/govscot%3Adocument>

Document 1

Existing Height of Fence and Deck at its North - East Elevation

- The fence has been constructed at a height of 1.950M at the east end of the deck and at 1.990M, which is an onsite physical measurement, at the house elevation from original ground levels within Fern Cottage.
- Due to differences in ground levels, the as-erected fence becomes more prominent in scale at a height of 2.250M and 2.290M respectively.
- Raising by another 150mm (current application) would increase the height of the fence on Fern Cottage's side of the boundary to 2.100M and 2.140M from original ground level
- If you check out the levels quoted, at the east end of the deck, on the submitted drawing, 18_00812_FULL-SECTIONS-2910360, you will note that the original ground level within Fern Cottage, at the mutual boundary, is given as 8.65M (dotted blue). The top of the dry stone wall is given as 9.73M. Therefore the height of the dry stone wall within this location from original ground level is $9.73 - 8.65 = 1.08\text{M}$. My client can confirm that this height is correct.
- From the top of the dry stone wall the onsite measurement to the top of the as-erected fence is 870mm (and not 800mm as detailed on the previous Sections Drawing (you have to deduct 150mm from stated level of 10.680M that the fence has been raised by in the latest drawing, to arrive at 10.53 for the level of the top of the as-erected fence for a like for like scenario as depicted in the photo)
- $10.53 - 9.73 = 800$ with the result that the top of the fence, lower deck and raised soil level, relative to the top of the dry stone wall and original ground levels, is shown as being 70mm lower than it actually is on site.
- To make the drawing accurate, the top of the fence, lower deck and raised soil level should be shown and detailed out at 70mm higher than presently shown/detailed when compared to the top of the dry stone wall and original ground levels.
- You can verify this dimension of 870mm by studying the right hand side of the enclosed photo wherein you can see, over the top of the dry stone wall, the underside of the plank which is 900mm (6No planks at 150mm) down from the top of the fence.



- Therefore the height from the top of the as-erected fence to the original ground level is $1.080 + 870 = 1.950\text{M}$. The deck level at the east end is 1.220M (height taken from drawing with increased height of 150mm deducted) down from the top of the as-erected fence, which results in the deck being $1.950 - 1.220 = 730\text{mm}$ above original ground level.
- The relationship between the top of the fence, deck level and original ground level is pro rata within this area of the works.
- You can verify this dimension of 1.220M by studying the right hand side of the enclosed photo wherein you can count 8No planks at 150mm from the top of the fence to the deck at its east edge. The relationship shown on the drawings between the top of the as-erected fence and the deck, at its east edge, at 1.220M is correct.
- You only have to look at the photo of the existing situation which is attached to this planning application to note that the step from the lower deck to the elevated path/soil level is 170mm approx. which when taken from the drawing height of 730mm gives an elevated depth of soil of 560mm approximately.
- The lower deck, at an erroneous stated height of 480mm , was not considered within the previous planning application as the lower deck was deemed to be permitted development which obviously it's not as, at a height of 730mm , it exceeds the permitted height of 500mm . Similarly this new planning application makes no mention of the lower deck or raised soil levels.

- Incidentally, the submitted drawing, once you have corrected the top of the fence level to 10.98 (the stated height of 10.48 cannot be lower than the next stated level to the east of 10.890) gives the height of the proposed fence at the house elevation from original ground level as:-

$$10.98\text{M} \text{ minus } 8.85\text{M} = 2.130\text{M}$$

This, when you deduct the 150mm increased height of the fence, at a height of 1.980M ties in very well with the on-site measurement of 1.990M to the roughcast cut off level on the north gable of Fern Cottage.



If there is any dubiety on your part as to the accuracy of any of the dimensions quoted above please arrange to come to site to check out, for yourself, the validity of the dimensions.

Document 1A

Submitted Photos of As-erected deck and Raised Soil Levels

On carrying out an online search, on 14-11-2018, I came across your report “Item No 5 - Report No 159/18 - Fern Cottage, Kirkton of Auchterhouse - 159_0.pdf” which was prepared by yourselves as part of the Appeal process which contains photos submitted by the appellant showing the as-constructed deck and raised soil levels within his rear garden which clearly shows that the deck and raised ground levels are considerably higher than those quoted, by yourselves, in previous documents viz.480mm and 410mm respectively.

On examining these photos, and in particular the 2 undernoted ones, you will find that the levels/heights of the deck and raised soil levels, which are derived from using those levels stated in the recently submitted section drawing, appear to be conservative in arriving at their respective heights within **Document 1**, when compared to the actual deck and raised soil levels shown in the photos.





At the east edge of the deck when you examine these photos you will note that the deck level is 8 planks (at 150mm each=1.200M) down from the top of the fence and that the raised soil level, once projected through to the fence, is approx. at the underside of the 9th plank at 1.350M down from the top of the fence.

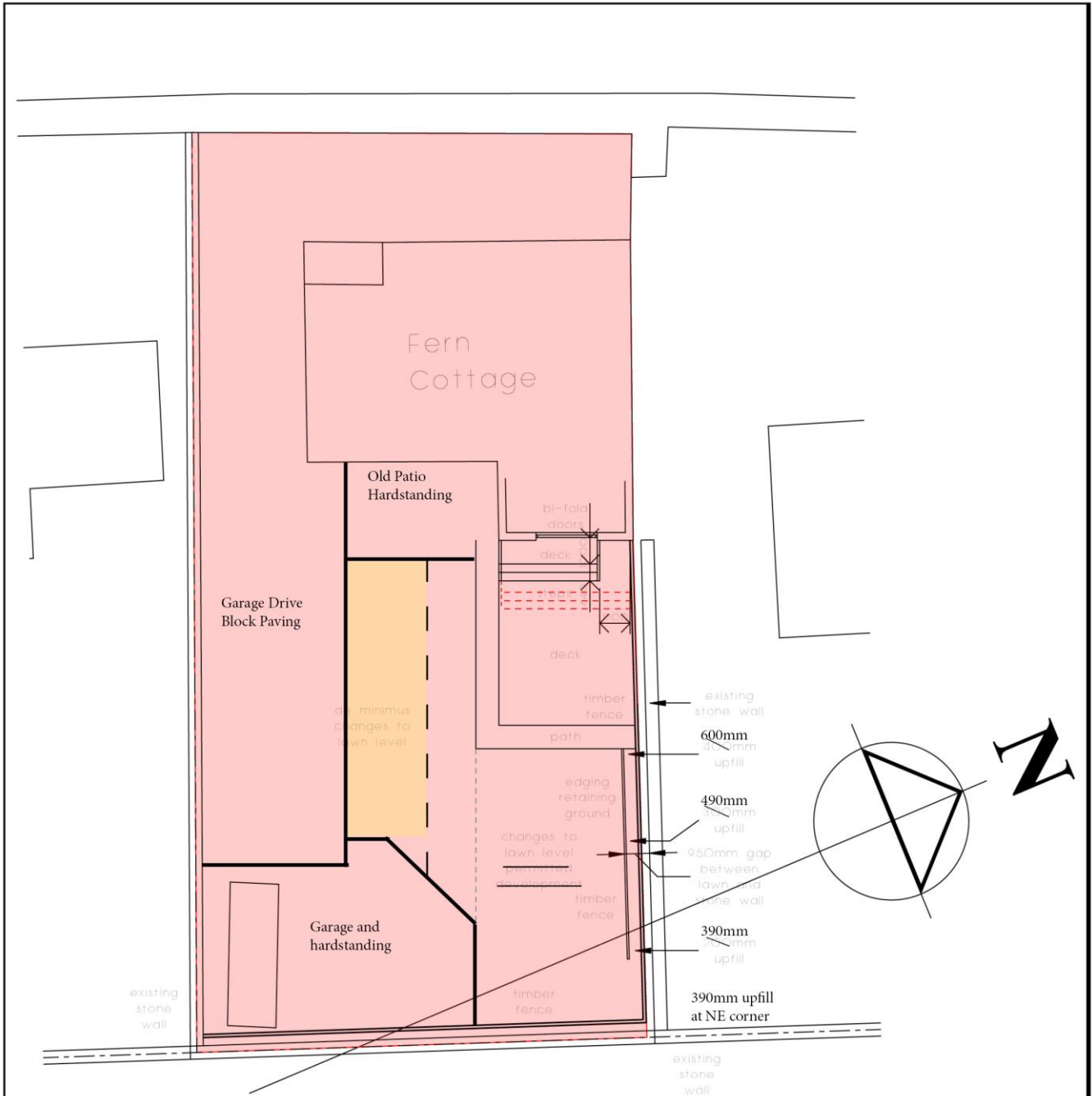
Given that the fence, at this location, is 1.950M high from original ground level (as per calculations contained in **Document 1**) results in both the deck being close to 750mm high and the raised soil level being close to 600mm high when compared to original ground levels.

As stated previously, both these heights are considerably higher than those quoted, by yourselves, in previous documents viz.480mm and 410mm respectively.

I would point out that even using the inaccurate levels within the appellants' Section drawing still gives a height of 1.880M for the as-erected fence (10.68 minus 150 minus 8.65 = 1.880M) and a deck height of 660mm (1.88 minus 1.22 = 660mm). This lower height of 660mm still exceeds the permitted height of 500mm for a deck.

Document 1 highlights the inaccuracies in the measurements, therefore the actual position, as currently detailed on the drawing, when corrected, would be more detrimental by 70mm.

I trust you will not overlook these facts when considering this application.



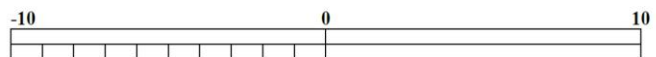
site plan

scale 1:200 @ A3P

PROPOSED ERECTION OF EXTERNAL RAISED DECKING & BOUNDARY FENCE TO HOUSE AT

FERN COTTAGE

KIRKTON OF AUCHTERHOUSE FOR MR. I. McNAUGHTON & MS. I. GRANT.



SEPTEMBER 2017

scale 1:200

(AMENDED OCTOBER 2017; AMENDED SEPTEMBER 2018; AMENDED OCTOBER 2018;
AMENDED NOVEMBER 2018) Rev A 28-11-2018

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Mr Barry Young

Address: 37 Ballantrae Garden Douglas Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having read the various comments I disagree with the suggestion that Fern Cottage does not fit in with other houses. This dwelling and the neighbouring dwelling were built at the same time 69/70 I believe. I have passed through the village and seen the progress being made with Fern Cottage being painstakingly restored. The demographic of the villagers I have met, and been offered work from, are all life long residents. New residents with young grand children breathe life back into the area, and they should be allowed to upgrade a property to modern safety standards. Leveling the ground and enclosing the safe area would be something I'd expect to see. This creates a safer play area for the kids and security for properties outwith Dundee city boundaries where we have recently started to see home invasions, for instance, Clearwater Park only a week or two ago. With the ageing demographic, I would actually expect that more of the surrounding properties will be given the loving care and attention being given to Fern Cottage.

Comments for Planning Application 18/00812/FULL

Application Summary

Application Number: 18/00812/FULL

Address: Fern Cottage Kirkton Of Auchterhouse Dundee DD3 0QS

Proposal: Part Retrospective Raised Decking and Associated Steps

Case Officer: Pauline Chalmers

Customer Details

Name: Miss Lindsay McIntosh

Address: 6 Strathgray crescent Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Working for Thorntons property I travel through Auchterhouse often. I can only say what a joy it is to see the re development of this property over the last few years. With the new roof and freshly painted wall and newly mono block drive, providing much needed off street parking, which greatly helps the narrow road running through the village.

I find it hard to understand why anyone would want to object to the improvements being made to this once run down old property, in my opinion raises both the look and profile of the village.

Comments on “LETTER OF SUPPORT FROM AGENT”

On reading the “LETTER OF SUPPORT FROM AGENT” dated 26 November 2018 I would comment as follows and in particular on the phrases “**slightly raised rear lawn**” and “**Historical garden levels between Fern Cottage and Blanerne to the north have always been different.**”

This is not the case! Historically, in 1970, the drystone boundary dyke was a free standing wall, with similar soil levels on either side of the wall, and I even supplied a 1969 photo to Mr. McNaughton confirming this.

When [REDACTED] in 1970 elevated the soil levels adjacent to the boundary wall by approx. 300 mm at the NE corner of the garden (where the greenhouse was located and was the lowest part of the garden) and by approx. 300 mm at the location of the NE corner elevation of the lower deck and left the soil level at the house elevation as they were when the house was constructed did achieve, in my opinion, a reasonable balance between improving their house and garden layout. However, as I had no objection, at that time, to his soil raising it has now come back to haunt me as this raised soil level has now allowed Mr. McNaughton to erect a fence that is exceedingly high and overbearing from my perspective i.e. 2.250M and 2.290M high.

The applicants, by installing exceedingly high decks at 750mm and 1.130M above 2016 ground levels, slap bang up against the boundary, and by soil raising of 600mm on top of the original 300mm, have certainly **not** achieved a reasonable balance between improving their house and garden, maintaining mutual privacy or maintaining the residential amenity of Blanerne to the north.

I have enclosed the 1969 photo of the freestanding wall with the current level of raised soil superimposed. I do not consider this to be a “**slightly raised rear lawn**” as asserted in the MFA letter.

This change in ground level of +600mm, in addition to the difference in ground levels between Fern Cottage and Blanerne, **creates a platform which has a significant impact on the privacy and amenity of my rear garden.**



Level of raised soil
superimposed on 1969
photo of freestanding
boundary wall