

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 20 MAY 2021**

**LAND SOUTH OF 32 PITAIRLIE ROAD, NEWBIGGING, MONIFIETH**

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

**ABSTRACT:**

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of house with associated access, parking, garden ground, landscaping and boundary enclosures, application No 20/00734/FULL, at Land South of 32 Pitairlie Road, Newbigging, Monifieth.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant's response to the further representations (**Appendix 4**).

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

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- 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 to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

**4. FINANCIAL IMPLICATIONS**

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

**5. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**6. 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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List of Appendices:

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – Further Lodged Representations
- Appendix 4 – Applicant Response to Further Representations

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

APPLICATION NUMBER – 20/00734/FULL

APPLICANT- MR CRAIG CHAPMAN

PROPOSAL & ADDRESS – ERECTION OF HOUSE WITH ASSOCIATED ACCESS,  
PARKING, GARDEN GROUND, LANDSCAPING AND BOUNDARY ENCLOSURES AT  
LAND SOUTH OF 32 PITAIRLIE ROAD NEWBIGGING MONIFIETH

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**Angus Council**

<b>Application Number:</b>	20/00734/FULL
<b>Description of Development:</b>	Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures
<b>Site Address:</b>	Land South Of 32 Pitairlie Road Newbigging Monifieth
<b>Grid Ref:</b>	349818 : 735978
<b>Applicant Name:</b>	Mr Craig Chapman

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

The application site consists a 692sqm area of garden ground south of the existing house at 32 Pitairlie Road, Newbigging. The site is bound by the B961 Public Road at the west, agricultural fields at the east, the existing house at the north and two neighbouring houses (34 and 34b Pitairlie Road) at the south.

**Proposal**

Planning permission is sought for the erection of a house. The proposed house would be located centrally within the site with the principal elevation facing west towards the public road. Vehicular access would be taken by a new junction at the west boundary of the site and would lead to a parking area forward of the proposed house. The house would have a 154sqm footprint, would provide accommodation over two floors and would have a pitched roof section at the front (west) section of the house and a flat roof section at the rear (east). The house would be finished with concrete roof tiles, dry-dash render, natural stone and grey cladding.

The house would connect to the public water supply and public drainage network and would use sustainable drainage systems for handling 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 6 November 2020 for the following reasons:

- Neighbouring Land with No Premises

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

**Planning History**

20/00289/FULL for Erection of a house within garden ground was determined as "Application Withdrawn" on 15 July 2020.

**Applicant's Case**

The Planning Statement provides an overview of the proposal and indicates the aim of the statement is to provide an assessment of the proposed development against the relevant development plan and respond to the representations raised at the time of the previous application. It includes a site appraisal, design brief and analysis of key issues. The potential impacts on the amenity of neighbouring property is

discussed and it is indicated it is the intention that if the current application is approved the windows on the existing house at 32 Pitairlie Road would be removed creating blank wall on its south elevation, thereby meeting window to window distances. An assessment of the proposal against development plan policy is provided and concludes the proposed house fully accords with development plan policies.

Two responses to public comments were submitted by the applicant's agent and seek to address concerns raised in relation to layout, flooding, contamination, amenity impacts, parking and drainage matters.

## **Consultations**

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

**Angus Council - Roads** - Offered no objection subject to the attachment of a condition regulating driveway design to prevent discharge of surface water to the public road and an informative note regarding footway crossing construction standards.

**Scottish Water** - Offered no objection to the proposal.

## **Representations**

17 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 5 objected to the proposal and 12 supported the proposal.

The main points of concern were as follows:

- Impacts on amenity of neighbouring property in terms of loss of light, outlook and privacy, distance with neighbouring property, glare from headlights, height differences between site and neighbouring property;
- Creates a precedent for future development/necessity to prohibit any future development at the site/house;
- Impacts on drainage and flood risk for neighbouring property;
- Plans lack detail/are not accurate on site and floor levels;

The main points of support were as follows:

- Potential to help increase pupil numbers for local school;
- Would provide local jobs;
- Sympathetic and contemporary house design;
- A house with a drainage system would rectify flooding;
- Purposeful use of empty ground;
- Plot is ample size for house;
- Improvements to public pavement through development;
- Use of renewables for sustainable power;
- House will provide for a disabled occupant and person in caring role.

The above matters are addressed in the Assessment Section below.

## **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 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 states that proposals for 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 local development plan.

Policy TC2 deals with residential development proposals and indicates that proposals for new residential developments within development boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. It also indicates that new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The site is not protected for any specific use within the local development plan. The site is currently garden ground associated with the bungalow to the north (32 Pitairlie Road) and residential use of the site is a compatible land use.

The character and pattern of housing development to the north and south is dominated by housing, with most housing detached or semi-detached in type and designed with a southern aspect. There are examples of houses fronting onto Pitairlie Road, but the dominant characteristic is housing at right angles to Pitairlie Road facing south. The proposed house would contrast with that dominant characteristic by facing west onto Pitairlie Road but the proposed house would not significantly harm the character or pattern of development in the surrounding area having regard to other examples found nearby.

Policy TC2 requires new houses to provide a satisfactory residential environment for the would-be householder including the provision of an adequate level of private garden ground. It also requires new housing to be provided in a manner which does not unacceptably impact on the amenity of neighbouring residents. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The Council's Design and Placemaking Supplementary Guidance seeks to ensure that new buildings do not overlook private areas of neighbouring properties. It indicates that proposals on infill sites should be appropriate in terms of their scale and massing and not overshadow or overwhelm neighbouring properties.

The site is located within the garden ground of 32 Pitairlie Road, which is a detached bungalow which contains various windows facing south into the site. Its southern gable would be 4m from the northern boundary of the proposed site and around 5.5m from the northern gable of the proposed house. That southern gable contains large windows serving living areas which the applicant suggests would be removed to accommodate a house on the proposed site.

34 and 34B Pitairlie Road are detached dwellings located to the immediate south of the site. Those properties overlook almost the entire site as illustrated by the 'existing images' on the 'Window Distance Plan and Adjacent Property Elevations' drawing. 34 Pitairlie Road has windows in its north elevation very close to the southern boundary of the site and around 3.3m from the southern gable of the proposed house.

34B Pitairlie Road is also located close to the southern boundary of the site and has windows located on its north elevation at ground and first floor level. Some of those windows would be around 7.5m from the southern site boundary and 9m from the southern gable of the proposed house. The window serving the



stair on the north elevation of 34B would be approximately 5m from the southern boundary of the proposed site. 34B contains first floor windows which would be less than 8m from the southern boundary and would face towards and overlook the private amenity space at the rear of the proposed house.

While the proposed house would include an adequate quantity of garden ground, the privacy of that garden ground would be significantly impeded by overlooking from windows in the first floor of 34B to the south. Those windows are around 8m from the southern boundary of the site and Council guidance contained in Advice Note 14 suggests that *where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres.*

The introduction of a one and a half storey house in close proximity to windows in 34 and 34B Pitairlie Road would also result in an overbearing presence in the outlook from those properties. There is currently an open area of garden ground and a 22m separation distance between the south elevation of 32 Pitairlie Road and 34 Pitairlie Road. The space and open aspect currently provided by that area of garden ground would be removed and the new house would be as little as 3.3m from a window serving 34 Pitairlie Road. The area to the front/west of the proposed house would be used as a parking and turning area and, as noted in objections received, there would be adverse amenity impacts associated with car headlights in such close proximity to those windows.

The northern gable of the proposed house would be within 5.5m of lounge/dining windows serving 32 Pitairlie Road to the north. To overcome the issue caused by introducing a one and a half storey gable 5.5m in front of those windows, the applicant proposes to block them up. The necessity to carry out that alteration to the existing house is symptomatic of the unsuitable nature of the site to accommodate the proposed house.

The proposal is contrary to policies TC2 and DS4 because the new house would not provide a satisfactory residential environment for the would-be householder due to overlooking from existing housing; and because the proposed house would have an unacceptable impact on the amenity of neighbouring residents by virtue of its overbearing presence in close proximity to existing housing.

The proposal does not give rise to any other significant issues in terms of development plan policy that could not be addressed by planning condition.

The site is not subject of any natural or built heritage designation and there is no reason to consider that the proposal would result in significant direct or indirect impacts on the natural or built environment. Having regard to the consultation response provided by the Roads Service, the development would not result in any significant impacts in respect of road traffic or pedestrian safety. A development of this scale does not require a contribution towards affordable housing provision and available information suggests there is adequate infrastructure in the area to serve a new dwelling.

The proposed house would connect to the public water supply and foul drainage network with SuDS for surface water. Scottish Water offered no objection to the proposal and the proposed arrangements are in accordance with Policy PV15. The site is not in an area known to be at risk of flooding on the SEPA flood maps. The Building Warrant process would regulate the precise details of surface water drainage to ensure that it is appropriately managed within the site.

Policy DS1 offers support for proposals within development boundaries where they are of an appropriate scale and nature and are in accordance with relevant policies of the local development plan. As noted above, the new house would not provide a satisfactory residential environment for the would-be householder due to overlooking from existing housing; and the proposed house would have an unacceptable impact on the amenity of neighbouring residents by virtue of its overbearing presence in close proximity to existing housing. It follows that the proposed house is not of an appropriate scale and nature for its location and the proposal is accordingly contrary to Policy DS1.

In relation to material considerations, it is relevant to note that representations have been submitted in relation to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The objections raise concerns about impacts on amenity and it is concluded above that the proposal would result in an overbearing impact on neighbouring property due to its height and proximity to existing housing. In terms of the potential for further development within the plot, were the proposal otherwise acceptable it would be necessary to prevent the use of the flat roof extension as a balcony which would have the potential to significantly increase amenity impacts associated with the new house. Comments relating to flooding and drainage are noted but there is no evidence to suggest that suitable drainage arrangements could not be provided within the site to manage surface water.

There are also a number of letters of support relating to the proposal but none of the matters raised represent considerations which carry sufficient weight to override the development plan position.

In conclusion, the application proposes the erection of a new house within an area of garden ground that is significantly overlooked by the occupants of neighbouring property. As a result, the proposed house would be incapable of providing a satisfactory residential environment for its occupant(s) and would result in unacceptable impacts on the residential amenity of the occupants of neighbouring property. The proposal is contrary to development plan policy. 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.

## **Decision**

The application is refused

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

1. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 because the proposed house would result in an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.
2. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 as the proposal would not provide a satisfactory residential environment for the occupant(s) of the proposed dwelling as its private garden ground would be overlooked by windows, including first-floor windows, of neighbouring property to the south.

### **Notes:**

Case Officer: Fraser MacKenzie  
Date: 18 January 2021

## **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 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>)



Thursday, 05 November 2020

Local Planner  
 Planning Service  
 Angus Council  
 Forfar  
 DD8 1AN

Development Operations  
 The Bridge  
 Buchanan Gate Business Park  
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 Steps  
 Glasgow  
 G33 6FB

Development Operations  
 Freephone Number - 0800 3890379  
 E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land South Of 32 Pitairlie Road, Newbigging, Monifieth, DD5 3RH**  
**PLANNING REF: 20/00734/FULL**  
**OUR REF: DSCAS-0025897-TH5**  
**PROPOSAL: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures**

**Please quote our reference in all future correspondence**

## [Audit of Proposal](#)

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Clatto Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by Newbigging Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.



SW Public  
 General

To find out more about connecting your property to the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## Next Steps:

### ▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.





- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



SW Public  
General

To find out more about connecting your property to the water and waste water supply visit:



**So, how are we doing?**

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

20/00734/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

12	11	20
----	----	----

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

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 17 NOVEMBER 2020

SUBJECT: PLANNING APPLICATION REF. NO. 20/00734/FULL - PROPOSED ERECTION OF HOUSE WITH ASSOCIATED ACCESS AND GARDEN GROUND AT 32 PITAIRLIE ROAD, NEWBIGGING

---

I refer to the above planning application.

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

The site is located on the west side of the B961 Dundee – Friockheim road at 32 Pitairlie Road, Newbigging.

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, the driveway shall be designed so as to prevent the discharge of surface water onto the public road. This shall include the provision of a cut-off drain at the end of the driveway if ground levels fall towards the road.  
*Reason: in the interests of road safety.*
- 2 That, an advisory, informative note be added to the decision notice to inform the applicant that the footway crossing at the proposed access must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus Council website for the purpose.  
*Reason: to maintain the integrity and condition of the public road.*

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

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

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Moray Rumney

Address: 45 RIVERSDALE ROAD EDINBURGH EH12 5QY

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This re-submission is much improved, but issues remain.

The new siting optimizes evening light into No. 34 at the expense of morning light. An alternative would be to relocate the new building eastwards to the existing line of No 32, and as far north as possible, in order to open up the outlook to the east for No. 34. This minimizes the impact to No 34B, increases the rear garden size, and No. 32 would not have to lose windows.

A critical issue is precedent for future development which the planning statement says is out of scope. I think it would be essential to prohibit any future development, in particular, any extension over the flat roof area which would further degrade already limited light at No. 34.

Despite previous objections, the plan continues to lack detail on drainage and the application denies increased flood risk. On sewerage the application and location plan show a public connection to the network but the statement cites existing private sewerage. The application says no SUDS layout is provided and there is minimal SUDS information on plan. The height difference at the boundary with No 34 of 600 mm is misleading. The area is on a slope and houses were sited on the north of each property to maximize south facing gardens. The boundary height step dates from the 1990s when the land was levelled. Locating a new building on the original naturally draining slope is going to add to the ongoing drainage issues that have been documented by No. 34.

The traffic report states "the driveway shall be designed so as to prevent the discharge of surface water onto the public road". This is not in the plan (foul drain not permitted) and will put further strain on the flood risk to No. 34. Without a detailed study of drainage, it is not possible to

determine the detrimental effect on surface water drainage. Are the FFL in the proposed street elevation accurate and going to be enforced?

The planning application says 2 cars, the drawing says 3 or 4. Which is it?

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mrs Rosie Furness

Address: Crofts Cottage 34 Pitairlie Road Newbigging D5 3RH

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: House sited too far east, front garden too big cf. back, for family home, and still too far south on plot. Consultant report implies 34 built lower, instead 32 raised by builders 1990s to elevate bungalow, levelled, resulted in semi-haha, on south boundary wall, not designed for purpose. Report denies flooding problem. 32 resident 5 years, 34 for 20 years. Water ingress increased over time, photographic evidence held of water flow through wall onto flags and into back barn at 34. 32,34,36,38 Pitairlie Road were smallholdings, sited north edge to maximise south gardens. Building on south limits sun and air to north walls.

Even if drive monoblocked, water will run down under 34. Drive won't drain to road, so front SuDS and back SuDS needed. Well can then be infilled and built on. Concerns despite.

Plans lack detail on soil levels and build height. Two steps to Utility mean house height south is much greater than plans imply. Drawings misleading, 34's East bedroom window, outbuildings and back door not shown. 2 East veluxes are landing windows. 34's kitchen is also dining room, heart of house. Carpark means headlights shine directly into it, reducing amenity. (Changing to solid fence 1m East and 1m80 West will destabilise antique boundary wall, currently bolted no foundations. Joint maintenance/ownership.) Build-restriction needed on single storey portion or may be added to in future.

Current design can be moved, PARALLEL to north boundary, westwards, so 32/32A fronts and bedrooms aligned. Allows fairer space between 32A and 34's public rooms. Back gardens aligned. 32 need not block south windows. Morning light to 34's East bedroom and kitchen/dining better. Position of new house better re road noise.

(If 32 includes plans for demolishing derelict cottages and relocating drive, front garden/access improved for them.) I OBJECT to Application ref 20/00734/FULL as presented.

**Comments for Planning Application 20/00734/FULL****Application Summary**

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

**Customer Details**

Name: Mrs Wendy Pearson

Address: 37 Allan park Crescent Craiglockhart Edinburgh EH14 1LF

**Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having made objections before, I acknowledge there have been welcome improvements, but there are still various issues on the plans I wish to object to:

This plan continues to lack information about sufficient drainage and says nothing about the increased risk of flooding to No 34.

The height difference at the boundary between No34 and No32 has not been addressed, with regard to adequate drainage.

The design of driveway will also add pressure to the drainage situation.

Although new plans ensure better lighting at No 34, there will still be substantial reduction of morning light to the kitchen and dining area.

The position of the car parking area also has potential for reducing amenity of living area at No 34, with flashing headlights at night.

I object to application Ref20/00734/FULL

# **Comments for Planning Application 20/00734/FULL**

## **Application Summary**

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

## **Customer Details**

Name: Mr James Furness

Address: 17A Shepherd's Loan Dundee DD2 1AW

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is still too close to number 34 and will block light in the morning. Furthermore it seems likely that placing the building where proposed will exacerbate existing drainage issues and increase the possibility of flooding of the grounds of number 34 during heavy rain. I lived in number 34 for 17 years and personally witnessed the garden of number 32 being flooded and subsequent significant water ingress to number 34 on a number of occasions.

There appears to be room on the plot of number 32 to move the new development further away from number 34 reducing the potential blocking of light to this property. Regarding drainage the proposers need to come up with a comprehensive and competent plan to improve and this so that the winter deluges of biblical proportions which are frequently experienced in Newbigging do not result in flooding of both number 32 and 34.

I therefore have to object to Application ref 20/00734/FULL.



## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Jelte Beimers

Address: Teutonenstr. 27 Leinfelden-Echterdingen, Germany 70771

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir or Madam,

I object to the housing development proposed for construction on the land south of 32 Pitairlie Road, Newbigging, Monifieth.

No plans are included to indicate clearly the relevant ground levels and building heights.

Furthermore, given the sloping site, insufficient attention has been given to the drainage issue.

Yours sincerely

Jelte Beimers

**Comments for Planning Application 20/00734/FULL****Application Summary**

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

**Customer Details**

Name: Mr Greg Chapman

Address: 11 Granary Wynd Monikie Angus Dd53wp

**Comment Details**

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: What a lovely family home this proposal will bring to Newbigging. Sadly our local community schools are dwindling in numbers. Newbigging currently only has 13 pupils. A new family home will hopefully boost the schools numbers within the village. The local jobs this proposal will bring to the area at a time when so many people are out of work will hopefully be a boost to the local area. I strongly support this proposal

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Miss Hannah Kindlen

Address: 30C Foggyley Gardens Dundee DD2 3LF

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This house looks incredible. Surely if any weather flooding has been an issue in the past a house with a drainage system will rectify that by reducing surface water sitting on the undeveloped land. I love the design of this house, it looks like a wonderful spacious family home.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Iain Mudie

Address: 28 Riverside Road Wormit DD6 8LQ

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be great addition to the village. Would be great to see the empty ground becoming a family home

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Kevin McWalter

Address: 72 Grove Road Dundee DD5 1JN

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: 32 Pitairlie road sits on a substantial plot which is excessive for any family home and unrealistic for a working family to maintain. The land around the house is generally unkempt. I appreciate the family have done an incredible amount of renovation work within the property and to an extremely high standard. I understand this plot is somewhere in the region of 900 square meters and building revaluations stipulate any garden build needs to sit on a plot larger than 400 square meters. The plot is clearly an ample size for any future build. I would absolutely support this build.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Miss Kirstie Chapman

Address: 97 Gairn Mews Gairn Terrace Aberdeen AB10 6FP

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Gorgeous tasteful building it shall be in keeping with the upcoming and thriving family village of Newbigging. Great to see land being purposely used.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Lewis Dunn

Address: 2 inverarity gardens Monifieth Dd54sx

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A family home on this plot will be such a positive contribution to what is such a waste of land. The improvements to the public pavement will be much safer for my morning runs. let's hope this gets the go ahead. The local school numbers are falling also, so can't see this family home impacting on this either. Will be such a lovely addition to Newbigging.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Miss Louise Marshall

Address: 9B McIntosh Patrick Place DUNDEE DD5 4lw

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I read with interest the comments regarding the house proposal on the land at 32 Pitairlie Road. If flooding has supposedly been such an issue, despite the current occupiers never seeing any such flooding why haven't the current occupants of 34 made efforts to rectify that. They claim it is flooded for 20 years but it seems odd that any homeowner would not repair such a flooding issue on a long term basis. I note the other neighbours have made no such claims despite being on the same lower level. In fact, no other neighbours have objected to this proposal or the previously linked proposal.

A new build will only serve to fix any such issues surely by creating a soak away in line with building regulations. This property doesn't require any major adaptations to the street, roads or water systems and I can see no lawful reason for it to be declined.



## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Michael Fallone

Address: Templelands Steading Drumsturdy Road Dundee DD5 3RE

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I welcome the planning application for the development of this attractive property.

The plans show a sympathetic design which is in keeping with the contemporary developments of Newbigging village and the positioning of the property on the land is particularly pleasing being set back from the main road and leaving a generous open aspect between the adjoining properties.

The addition of a family sized property to the village will only be an improvement for the community and the sensible use of this large unused plot of land for residential development is long overdue.

I wholeheartedly support this application.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mrs Nicola Graham

Address: 56 Mortimer Drive Monifieth Dundee DD5 4JF

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This proposal is for a beautiful open family home. It's pleasing to see so much thought given to renewables for power. This house plan looks to be environmentally aware with a sustainable power source. There's no valid reason this build shouldn't progress

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Miss Natasha Leggatt

Address: 42 Malcolm crescent Monifieth DD54RU

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I'm so happy to see that this plot has proposals to develop it into a functional family home. What a great use of under utilised space and quite frankly an eyesore in the Main Street of Newbigging.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mrs Pat Chapman

Address: 35 Panmure street Monifieth Dundee DD5 4EG

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am the potential owner of the proposed new build on the land at 32 Pitairlie Road. I currently have a caring role to support a disabled occupant at the house situated at 32 Pitairlie Road. The purpose of this house build is to support the family at 32, continue with caring responsibilities and offer regular respite to the family. I am happy to discuss this further with any officials from the authority privately and you have my details in this submission.

## Comments for Planning Application 20/00734/FULL

### Application Summary

Application Number: 20/00734/FULL

Address: Land South Of 32 Pitairlie Road Newbigging Monifieth

Proposal: Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures

Case Officer: Fraser MacKenzie

### Customer Details

Name: Mr Thomas McCabe

Address: 46 Grangehill Drive Monifieth DUNDEE DD5 4RS

### Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I run this route at least once a week and the pavement is quite frankly dangerous. The kerb stones are falling inwards to the garden area of No.32 and there is a considerable drop at the other side. I think it's an incredibly positive step that the homeowner is looking to develop this area and make the paving/front elevation safe for pavement users.

NOTES:  
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

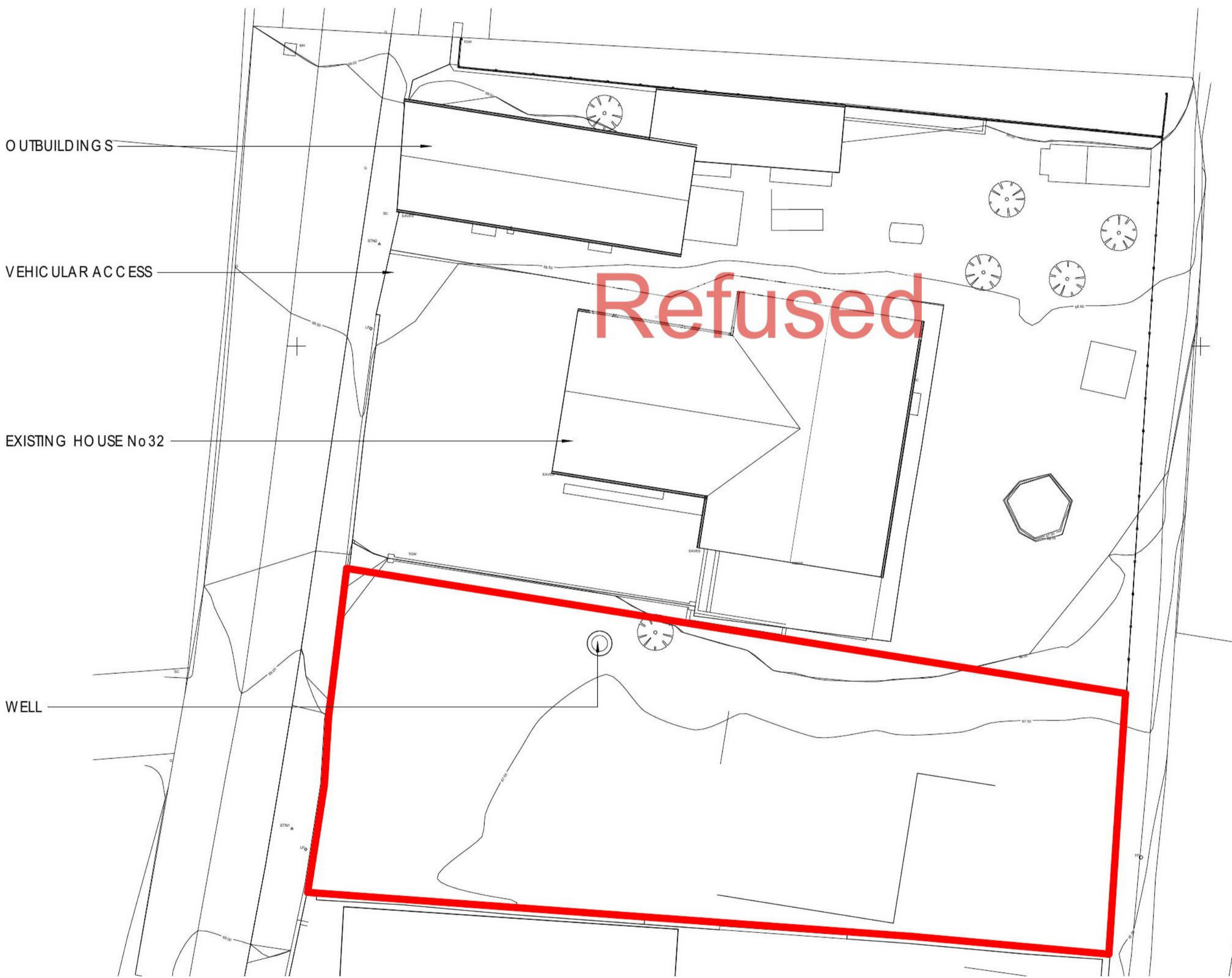
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



**1** LOCATION PLAN  
1 : 1250  
0m 25m 50m 75m 100m 125m  
VISUAL SCALE 1:1250 @ A1



**2** LOCATION PLAN  
1 : 2500



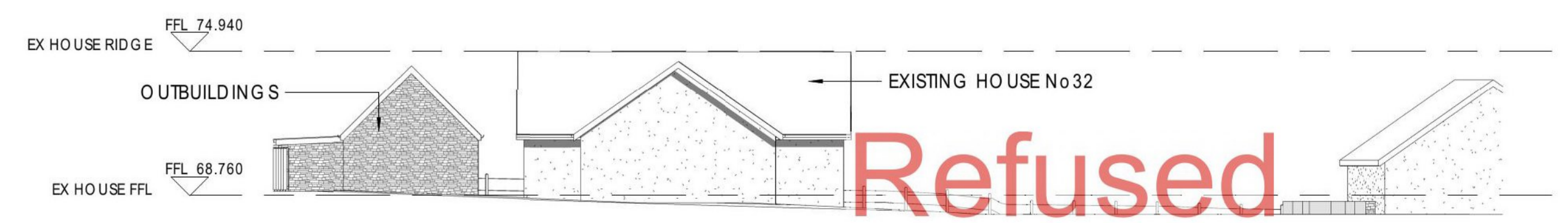
**3** EXISTING SITE PLAN  
1 : 200



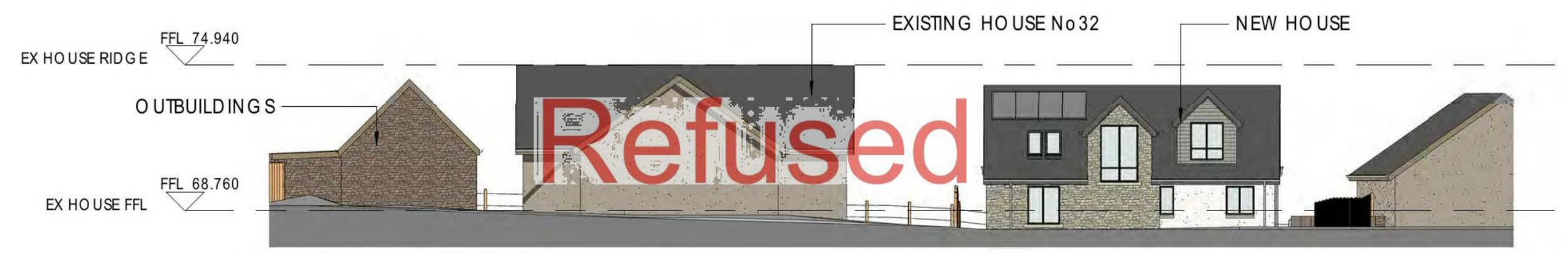
**5** PROPOSED SITE PLAN  
1 : 200



**7** IMAGES  
1 : 1



**4** EXISTING STREET ELEVATION  
1 : 200



**6** PROPOSED STREET ELEVATION  
1 : 200

0m 4m 8m 12m 16m 20m  
VISUAL SCALE 1:200 @ A1

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
SITE LOCATION PLANS, SITE PLANS AND STREET ELEVATIONS		SCALE: As indicated @ A1	
		DR No: PL-01	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

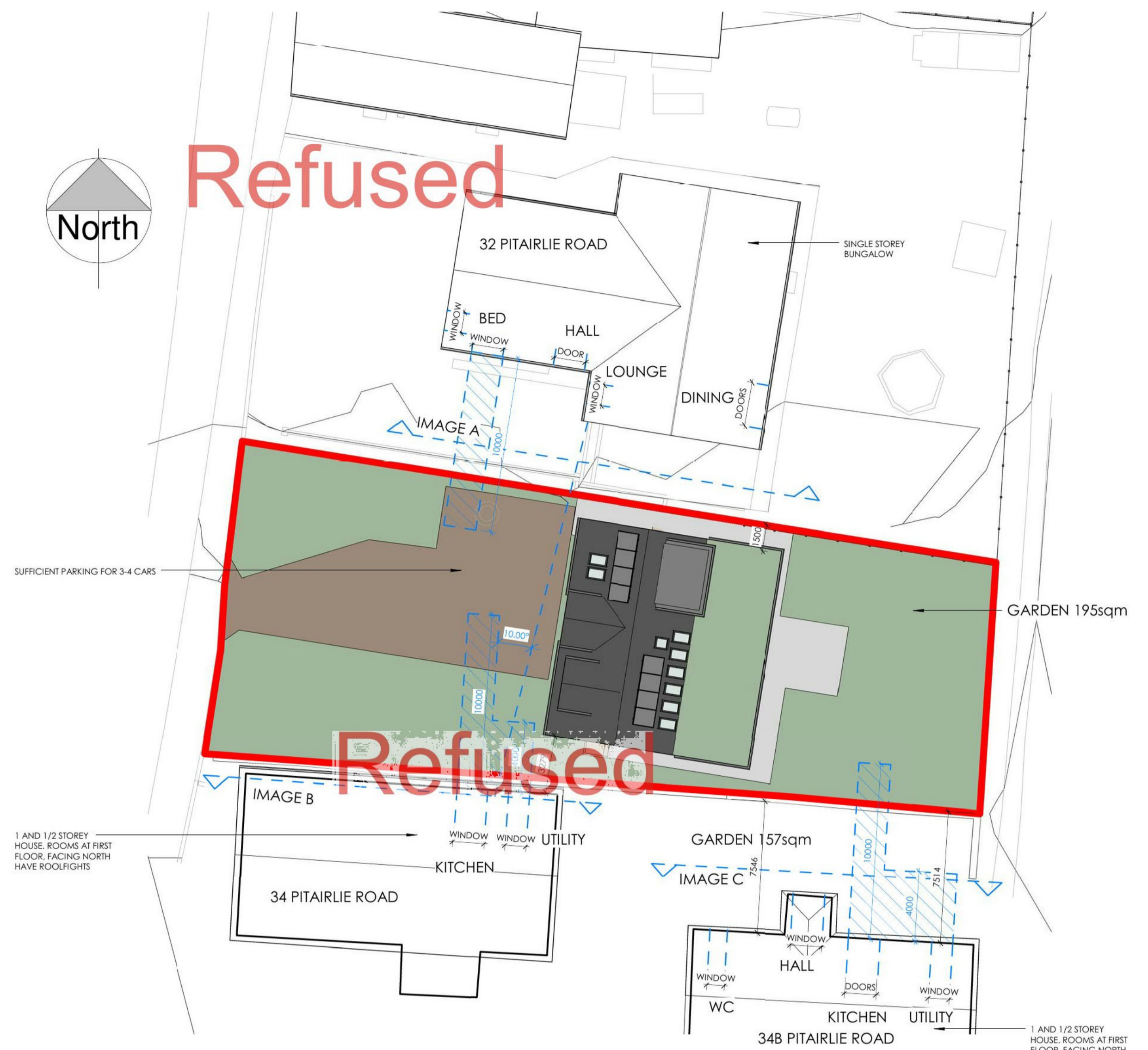
NOTES:  
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

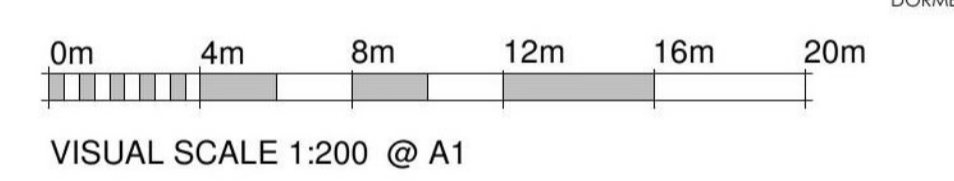
ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



1 SITE PLAN WITH WINDOW DISTANCES  
1 : 200



FRONT DOOR



IMAGE A - 32 PITAIRLIE ROAD HOUSE ELEVATION LOOKING SOUTH TOWARDS NEW PLOT

BEDROOM WINDOW

WINDOWS CURRENTLY BEING REMOVED UNDER PERMITTED DEVELOPMENT



IMAGE B - 34 PITAIRLIE ROAD HOUSE ELEVATION LOOKING NORTH TOWARDS NEW PLOT

ROOFLIGHTS TO BEDROOMS

KITCHEN WINDOWS

BEDROOM WINDOWS

STAIR LANDING WINDOW  
UTILITY WINDOW

KITCHEN/DINING DOORS



IMAGE C - 34A PITAIRLIE ROAD HOUSE ELEVATION LOOKING NORTH TOWARDS NEW PLOT

TOILET WINDOW

2 EXISTING IMAGES  
1:1

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
WINDOW DISTANCE PLAN AND ADJACENT PROPERTY ELEVATIONS		SCALE: As indicated @ A1	
		DR No: PL-03	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

NOTES:  
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

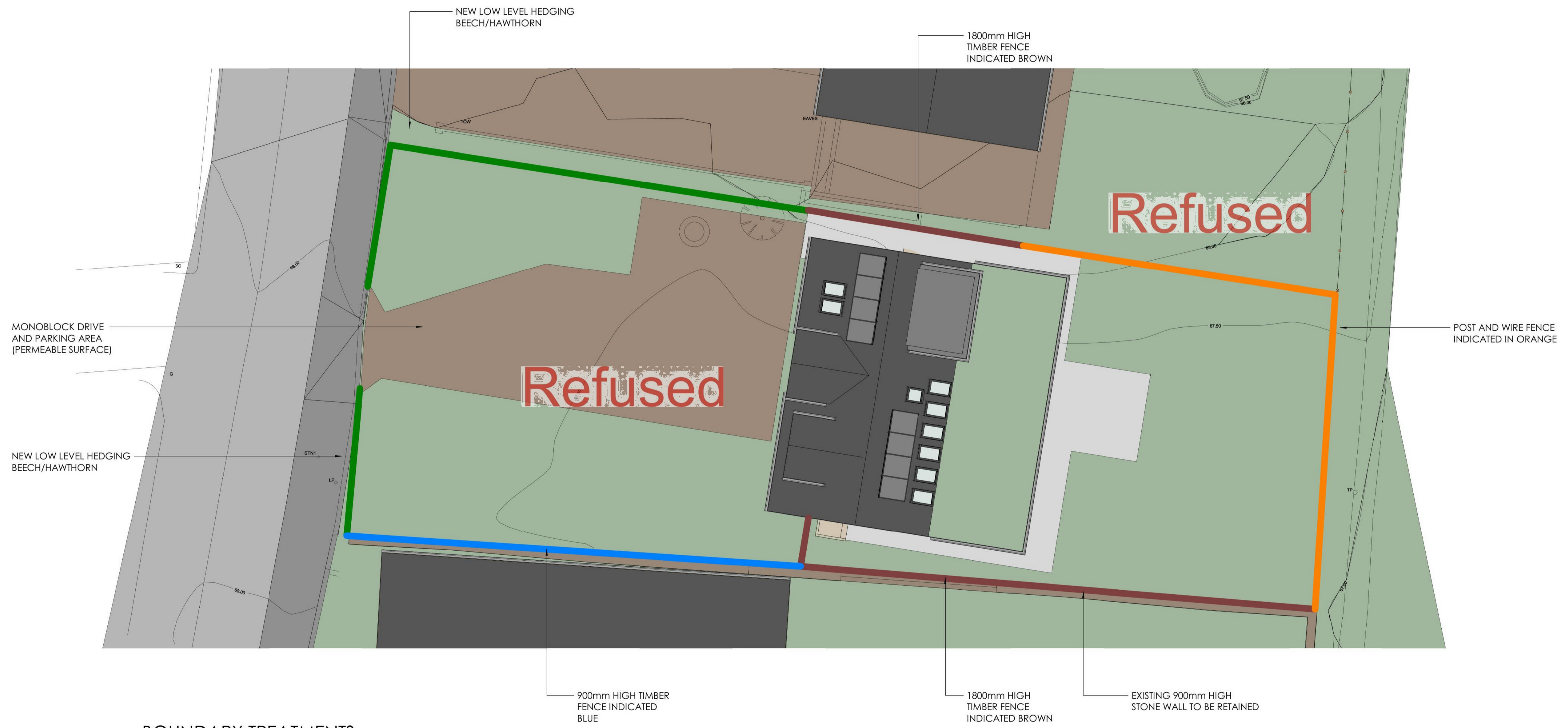
ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.

# Refused



1 BOUNDARY TREATMENTS  
1 : 100

# Refused

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
BOUNDARY TREATMENTS		SCALE: 1 : 100 @ A1	
		DR No: PL-05	
		DATE: 01.10.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	



NOTES:  
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE FOR CONSTRUCTION PURPOSES.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



1 EAST ELEVATION  
1:50



2 NORTH ELEVATION  
1:50



3 WEST ELEVATION  
1:50



4 SOUTH ELEVATION  
1:50

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
PROPOSED HOUSE ELEVATIONS		SCALE: 1:50 @ A1	DR No: PL-04
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

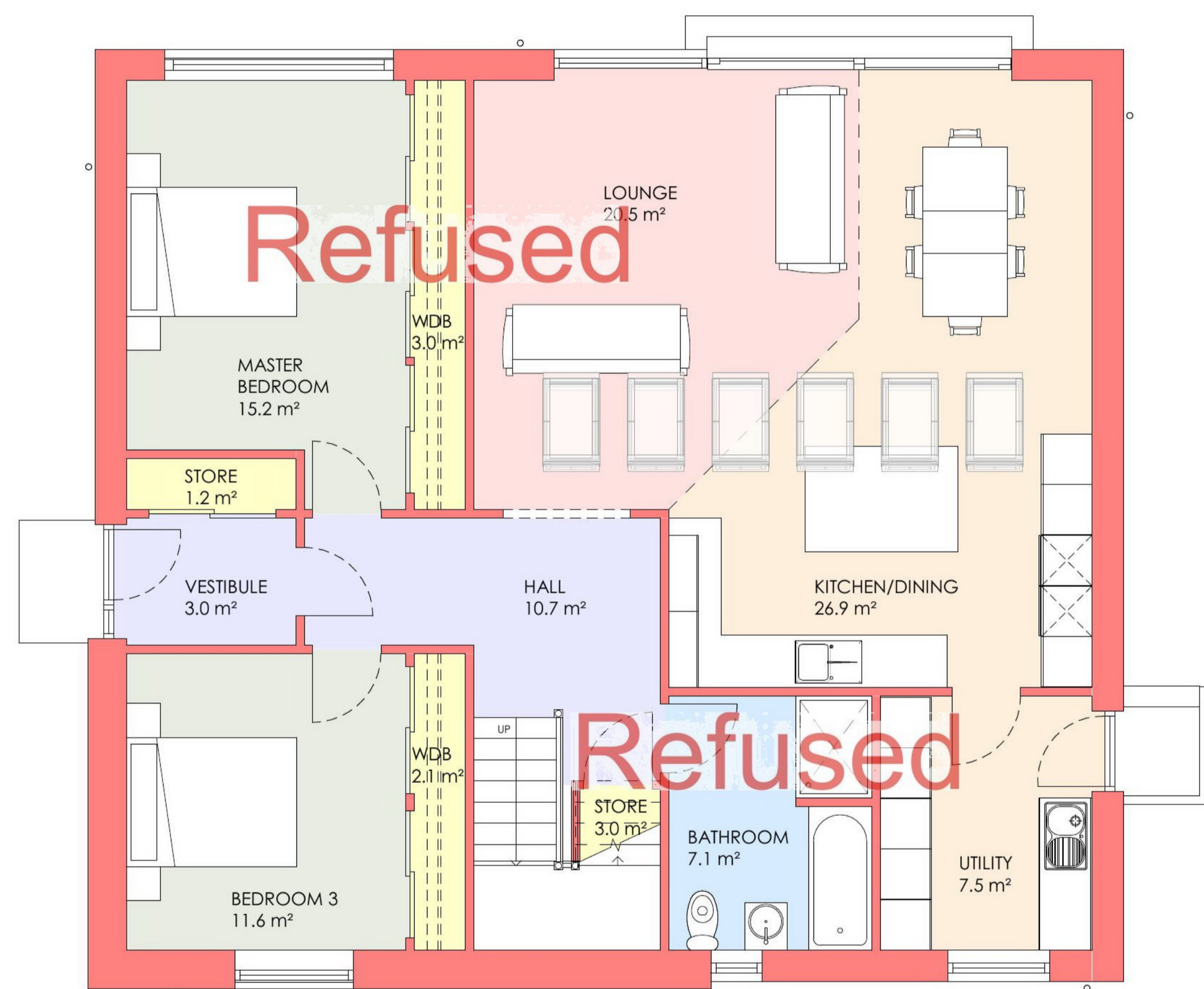
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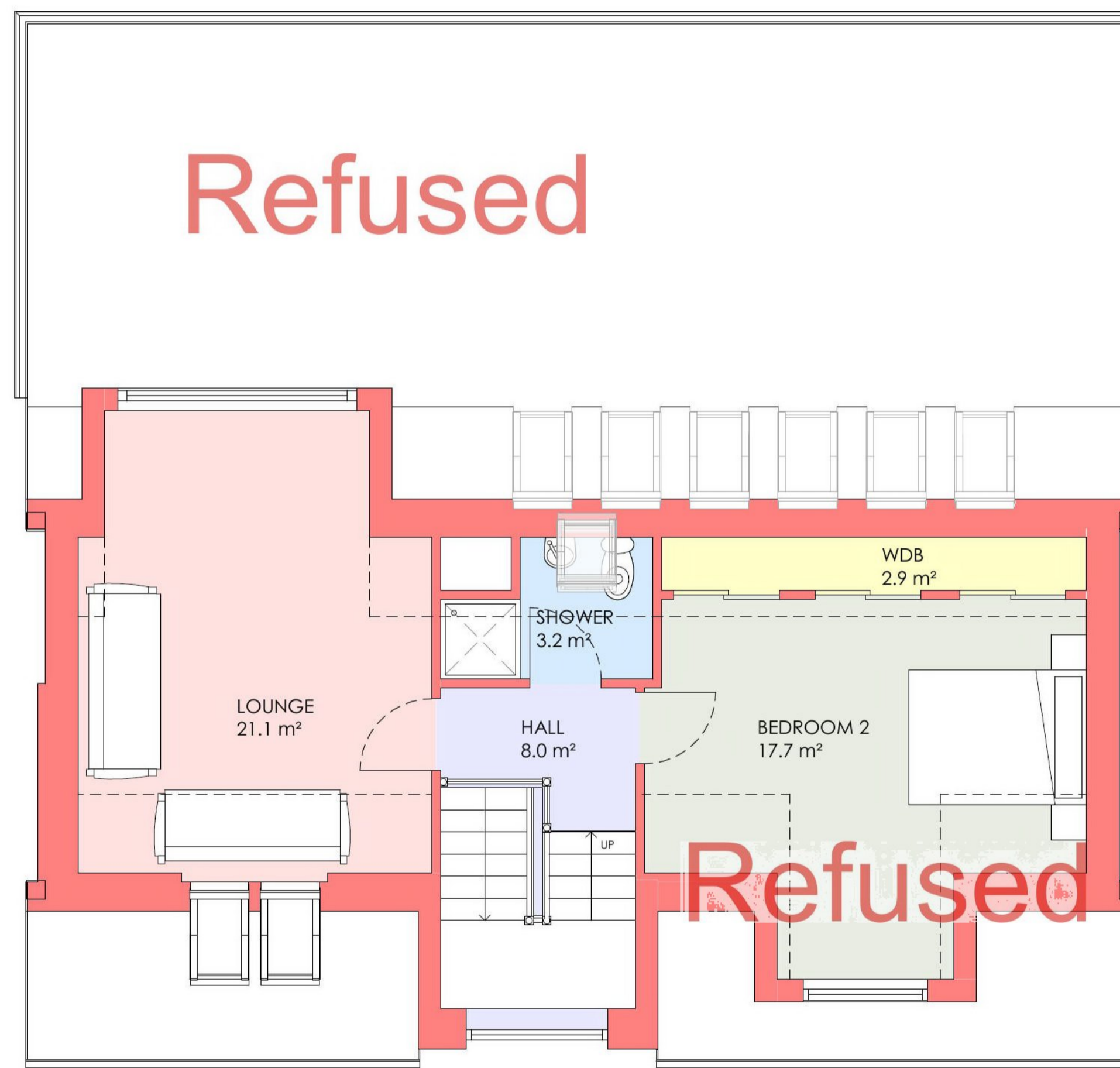
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1 GROUND FLOOR PLAN  
1 : 50



2 FIRST FLOOR PLAN  
1 : 50

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
PROPOSED HOUSE PLANS		SCALE: 1 : 50 @ A1	
		DR No: PL-02	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

NOTES:  
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ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



**1** BOUNDARY TREATMENTS  
1 : 100



**2** PROPOSED LEVELS  
1 : 100

Rev	Date	LEVEL SECTION ADDED	Description	DB	Initials
A	01.12.2020				

DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS	
DRAWING TITLE	JOB: 0256
BOUNDARY TREATMENTS AND LEVELS	SCALE: 1 : 100 @ A1
	DR No: PL-05
	DATE: 01.10.2020

**PROJECT**  

**PROPOSED NEW HOUSE WITHIN GARDEN GROUND**  
 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS

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

PLANNING PERMISSION REFUSAL  
REFERENCE : 20/00734/FULL

To Mr Craig Chapman  
c/o Suller & Clark  
Karen Clark  
Scoutbog Steading  
Oldmeldrum  
AB51 0BH

With reference to your application dated 26 October 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures at Land South Of 32 Pitairlie Road Newbigging Monifieth for Mr Craig Chapman

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 application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 because the proposed house would result in an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.
2. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 as the proposal would not provide a satisfactory residential environment for the occupant(s) of the proposed dwelling as its private garden ground would be overlooked by windows, including first-floor windows, of neighbouring property to the south.

Amendments:

The application has not been subject of variation.

Dated this 20 January 2021

Kate Cowey - Service Leader  
Planning & Communities  
Angus Council  
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
Development Standards Committee/Full Council	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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1
Delegated Decision	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.	Local Review Body – See details on attached Form 2
Other Decision	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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1

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

Telephone 01307 492076 / 492533  
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 The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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?

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

OUTCOME: Outcome of the application:

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

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

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







Planning Service  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
23 October 2020

Dear Sir/Madam

**Town and County Planning (Scotland) Act 1997, as amended**  
**Application for Planning Permission for the Erection of Single House within Garden Ground, Land South of 32 Pitairlie Road, Newbigging**

We refer to the aforementioned application which seeks planning permission for the Erection of Single House within the garden ground, Land South of 32 Pitairlie Road, Newbigging

The application package comprises:

- Completed application forms.
- Location plan, site plan and detailed house plans
- Planning Supporting Statement

As this application is a resubmission (20/00289/FULL) therefore no planning fee is required. If you require any further information during the consideration of the application please contact Karen Clark on [karen@sullerandclark.com](mailto:karen@sullerandclark.com) or on 07930 566336

Yours Sincerely

**Suller & Clark**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
[karine@sullerandclark.com](mailto:karine@sullerandclark.com)

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
[karen@sullerandclark.com](mailto:karen@sullerandclark.com)



**Application for Planning Permission**

**for the**

**Erection of Single House, access and parking, Garden Ground Land  
South of 32 Pitairlie Road, Newbigging**

**Planning Statement**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

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karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**  
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Mob: 07930 566 336  
karen@sullerandclark.com

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4.4 Design Solution

4.5 Sustainability

### **5. Development Plan 2016**

### **6. Discussion**

## **1. Introduction**

### **1.1 Overview**

The Planning Statement is lodged in support of a full planning application which seeks consent for a single house with associated access, parking and garden ground on land to the south of Pitairlie Road, Newbigging. The aim of the Planning Statement is to provide an assessment of the proposed development against the relevant development plan and respond to the representations raised at the time of the previous application. The application is supported by the following information:

- Site plan, including access – DSB Design
- Detailed house design - DSB Design

It is considered the proposed house plot is of sufficient scale to provide a high level of residential amenity for the prospective residents while not impacting on the amenity of the existing house or neighbouring residents. The proposal complies with the policies of the adopted Angus Local Development Plan 2016.

## **2. Site Appraisal**

### **2.1 Site Description**

The application site is located to the east of the B961, Pitairlie Road which links Newbigging to Monifieth to the south and to Monikie to the north. The site, which extends to 692 sqm, currently forms part of the large garden associated with 32 Pitairlie Road, a modern detached property with extensive garden on all sides. The total plot of No.32 currently extends to 1974sqm with the house located towards the northern part of the plot orientated east/west.

The application site is generally level and is open to Pitairlie Road to the south there is an existing stone retaining wall and timber fencing. The neighbouring two houses to the south are built perpendicular to the road, with ridge lines orientated east-west. The site has open countryside to the east. The application site has become overgrown over recent years and is no longer used as part of the functional garden ground of 32 Pitairlie Road.



Ariel view of the application site



View south across the application site looking east



34 and 34B Pitairlie Road viewed from site existing boundary wall and fencing in situ. Both properties currently overlook the garden of No.32 Pitairlie Road.





Views north, remaining garden of 32 Pitairlie Road. Neighbouring infill property to north overlooking rear garden ground



Road frontage, clear visibility in both directions



Rear elevation of 34 Pitairlie Road, house set lower than application site, kitchen window already compromised by northern elevation, level difference existing wall and fence.  
Window currently overlooks garden area of 32 Pitairlie Road



Existing wall along southern boundary of site



Boundary with 34 Pitairlie Road, demonstrates the level difference, existing wall and fence

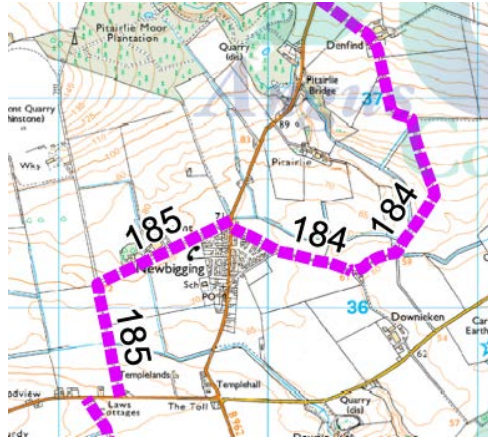


Extract from Angus Local Development Plan- Newbigging settlement boundary

The application site is located within the settlement boundary of Newbigging and is in close proximity to the local primary school and public transport links. Newbigging itself is a small village which has grown organically over time and includes a wide range of house types ranging from more traditional stone-built cottages to more modern semi and detached homes. The village has been subject to infill development over time, an example of this is the property at 34B Pitairlie Road.

## 2.2 Site Connection

The site is immediately adjacent to the B961 which provides a safe vehicular access to the wider area. The frontage A previously included a kerb drop here for access which has since been reversed. The road frontage includes a well-lit footpath which links to core paths 184 and 185 and thereafter to the wider paths network. The 78/79 bus provides regular bus service to Dundee/Monifieth/Broughty ferry.



Extract from Core Path Map 16

### **3. Site Planning History**

A pre-application enquiry response was received from Angus Council Planning Service on the 25<sup>th</sup> March 2020. The advice confirmed that the proposal for a single house on the site of the current application appears to be generally consistent with the character and pattern of development in the surrounding area. The pre-application advice then set out the various policy requirements all of which have been addressed by the current planning submission.

A previous planning application was lodged with Angus Council on the 20<sup>th</sup> April 2020 (Ref 20/00289/FULL). The proposal was for a similar single house on the current application site. There were a number of representations from local residents and queries from the planning officer, as such the decision was made to withdraw this application in order to respond to the comments received.

### **4. Design Process**

#### **4.1 Design Brief**

The design has developed from the applicant's desire to achieve a modest single house in conjunction with the required parking, access, landscaping and appropriate areas of garden ground, while respecting the amenity of the neighbouring property.

#### **4.2 Development Proposals**

The application for full planning permission seeks planning consent for a single house and all associated amenities including access, off street parking and private garden ground while not impacting on the amenity of the adjoining neighbours and not detracting from the wider community.

## 4.3 Analysis of key issues

The key opportunities were:

- Generous plot size
- Road frontage to B961
- Open aspect to the east

The key constraints are:

- No. 34 Pitairlie Road, which is built on the joint boundary to the south with no rear garden area. Kitchen and utility windows facing north, require consideration.
- Level difference between the application site and No.34, of approx. 0.6metre lower than the current garden ground
- 34B rear elevation faces north towards the proposed plot. Windows on ground floor facing north comprise hall, utility, WC and kitchen/dining. Upper floors two-bedroom windows all of which currently overlook garden area of No.32.

## 4.3 Design Solution

The proposed layout plan indicates a plot area of 692sqm with a house footprint of 137sqm. The remaining plot for No.32 Pitairlie Road is 1 282sqm. The proposed house has been carefully located to the centre of the plot and will sit between the gables of the houses to the south. The layout provides a very generous front garden area and a private rear garden of 195sqm. Access to the site will be taken from the B961 to the west, the Roads Service have previously confirmed this to be acceptable. The position of the house was carefully sited to be located between the east gable end of No. 34 and the west gable end of No. 34B, in order to minimise any impact. The proposed house is 1 ½ storey with blank gables to the north and south to ensure no possibility of overlooking of the neighbouring properties. The proposal further includes a fence of 1 m forward of the front elevation of the proposed house, increasing to a 1.8 m behind the front elevation along its southern boundary with the neighbouring properties in order to protect the privacy of these properties. This fence can be constructed under permitted development rights.

The proposed house offers a modern 1 ½ storey home which will be fully accessible as the intended occupier is an older relative of the applicant. The house will provide a three bedroomed house of contemporary design. The front part of the house will be 1 ½ storey with a single storey element accommodating the kitchen to the rear with living roof. The house will include generous front and rear garden areas and off-street parking area. The house will be finished in a simple pallet of materials chosen to complement the immediate area.

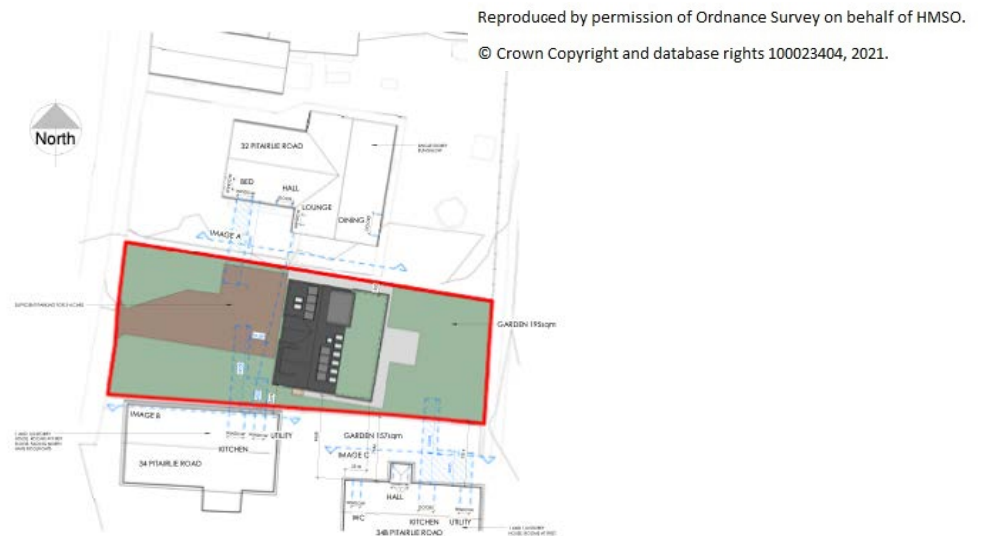


Proposed east and west elevations



IMAGES

3D images of Proposed east and west elevations



Plan indicating window to window distances

In terms of proximity and impact on neighbouring properties, this has been very carefully considered in developing the current proposals. A plan has been provided which demonstrates window to window distances and confirms the following:

## 34 Pitairlie Road-

- kitchen open views over front garden area, no change from current situation
- Utility room- open view to front garden- no change from current situation

## 34A Pitairlie Road-

- Ground floor toilet- non-habitable toom window to blank wall 9.7m (PAN 14 requirement 4 m)
- Ground floor kitchen- open views over looks rear garden, no change from current situation
- Ground floor utility- open views overlooks rear garden, no change from current situation
- Stair window- open views over looks rear garden, no change from current situation
- Upper floor bedroom windows- open views over rear garden, no change from current situation

## 32 Pitairlie Road

This property is within the ownership of the application. It is acknowledged that there are windows on the southern elevation however all rooms benefit from dual aspect. Therefore, it is the intention that if the current application is approved the windows will be removed creating blank wall to the south, thereby meeting window to window distances. The applicant is content to accept a condition ensuring this work is completed prior to the occupation of the proposed house.

In response to the planning considerations received at the time of the previous planning application we would respond as follows:

- Proximity of proposed house to neighbouring houses - Newbigging is a small village which has developed organically over time and has examples of infill development throughout the village, indeed No.34B Pitairlie Road, to the south is an example of modern infill development. The proposed layout has been carefully considered to ensure that the proposed house does not overshadow the neighbouring houses. It must be appreciated that No. 34 Pitairlie Road has no rear garden area and sits hard on the joint boundary, at a slightly lower level, therefore the amenity enjoyed is already compromised by the proximity of the neighbouring garden and the uses which can legitimately occur at present within this area.
- Impact on sunlight/day light - The proposed house is carefully located between the east/west gable ends of 34/34B Pitairlie Road. The rear/north elevation of No. 34 Pitairlie Road will currently not benefit from a great deal of natural light due to the north orientation and the level difference with adjacent garden area, which ensures that the house sits below the level of the garden of No.32. The applicants have incorporated a 1metre increasing to a 1.8 metre fence along the mutual southern boundary, this fence can be erected under permitted development rights. The

proposed development will not affect the principle/front elevations of either of the neighbouring houses, both of which are orientated to the south.

- Proposed separation represents a fire hazard - this is an issue for Building Standards rather than a planning consideration, however there is no anticipated concern in terms of fire.
- Loss of privacy - All window to window distances required by Angus Council are achieved. The property at No.34 already has a compromised privacy as the house is built on the mutual boundary and as such the existing garden of No.32 overlooks the two small windows situated in the rear elevation of the house. It is submitted that the proposed introduction of a fence on this boundary will in fact improve the privacy of the residents. With regard to No.34B, the development incorporates a 1.8 metre fence along the mutual boundary, the rear gardens currently over look each other with only a low stone wall in situ, as such the introduction of the proposed fence will improve the privacy for this property. The layout drawing below shows the relationship of existing rooms and the proposed garden areas. It is fair to say that residents would normally expect rear gardens of any property to be the “more private” areas as opposed to front gardens. Therefore, the applicants would argue that No.34B is more affected by this development than No.34 which overlooks the front garden of the proposed house. Due to the orientation of the windows on the proposed house, there is no direct line of sight window to window overlooking. In addition, the incorporation of 1.8m fencing along the south mutual boundary will remove any ground floor window overlooking, whilst the upper floor windows of the proposed house comprise velux windows (closest to the mutual boundary) with a first-floor lounge window furthest away.
- Noise pollution - There is no anticipated impact as a result of noise, the proposed development is for a single house. At present both No.34 and 34B overlook the garden of No.32, on completion of the proposed development the status quo will prevail with again both houses overlooking garden ground.
- Overshadowing of neighbouring properties - The proposed house has been carefully positioned on site to ensure no overshadowing of the neighbouring properties. When the sun is from the south it will overshadow the blank gable end wall of No.32 to the north only.
- Precedent for further development - the issue of precedent is not considered a valid material planning consideration, all proposals are considered on their individual merits
- Concerns with regard to drainage - the issue of drainage will be a matter for Building Control. However, the intention is to connect to mains drainage with surface water to SUDS in the rear garden. There has been some suggestion that the well in the grounds of No.32 is a flood risk however this is not found to be true and even with some extremely adverse weather there has been no suggestion of flooding.
- Poor design - Newbigging includes a wide range of house types and finishes. In recent years there have been some new infill developments. The site is wholly within the identified settlement boundary of the Newbigging and is not therefore rural in nature. The design of the house has been carefully considered to reflect the immediate surroundings while contributing to the street scene.



## 4.5 Sustainability

The application site is located within the defined development boundary of Newbigging. The site is immediately adjacent to the existing footpath and roads network and is a short walk to the local school and public transport links. As such the application site is in a sustainable location.

In terms of the design of the proposed house will be designed with sustainable features at the core of the design including photovoltaic roof panels. In addition, the scheme will include sustainable urban drainage systems. In line with Building Control standards the house will be insulated to a high level.

## **5. Angus Local Development Plan 2016**

The Angus Local Development Plan was adopted September 2016. The site is located wholly within the development boundary of Newbigging.

The following policies are considered of relevance and will be considered in detail in the Discussion Section.

- DS1: Development Boundaries and Priorities Policy
- DS2: Accessible Development Policy
- DS3: Design Quality and Placemaking
- DS4: Amenity Policy
- TC2: Residential Development Policy
- PV15: Drainage Infrastructure Policy
- PV18: Waste Management in New Development

The Supplementary Guidance on Small House Sites is also considered of relevance. These policies will be considered in detail in the Discussion below.

## **6. Discussion**

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

The current application seeks full planning permission for the erection of a single house and all associated amenities on land to the south of 32 Pitailrie Road. The site was last used as garden ground, however is now no longer actively used and has become overgrown. The site is situated within the identified town boundary of Newbigging, a small settlement which has developed organically over time and includes a number of infill developments similar to that proposed. The village includes a small primary school which is significantly under

capacity and as such will benefit from new development. The site has excellent accessibility to the village, including to the public transport links.

The application site extends to 692sqm with the remaining house, with No.32 Pitairlie Road, retaining a plot size of 1 282sqm. The plots are considered to be of similar scale to many houses within the immediate area and of sufficient scale to provide all associated amenity requirements including off street parking and private amenity space.

An indicative layout plan has been provided which confirms access from the adjoining B961 with visibility of 2.4. x 43m, previously considered satisfactory by the Roads Service. The proposed house will be located to the centre of the site orientated north/south taking maximum advantage of the open views to the east to the rear. The house design has been developed to provide a high-quality, modern and energy efficient detached family home.

With regard to the specific policies of the Angus Local Plan Review.

**Policy DS1: Development Boundaries** The site is located within the existing Newbigging village boundary as such, the Policy requires

*“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 the relevant policies of the ALDP”*

In the current application, the proposed house is located within the identified development boundaries of Newbigging, within a residential area with examples of infill development in close proximity, therefore the use of this unused area of land for a residential use is considered entirely appropriate. The proposed plans provide a carefully considered, modest house which includes all associated amenities, thereby ensuring a high-quality residential amenity for prospective residents while maintaining the amenity for existing residents.

**Policy DS2 Accessible Development** Proposals will require to demonstrate, according to scale, type and location, that they,

- *Are or can be made accessible to the existing or proposed public transport network*
- *Make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances*
- *Allow easy access for people with restricted mobility.*
- *Provide and/or enhance paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and*
- *Are located where there is adequate local road network capacity or where capacity can be made available.”*

The site is located immediately adjacent to the existing road and well-lit footpath and is a with a short walk to existing public transport networks, the local core path network and the local primary school.

Access to the site will be taken from the adjoining public road. Visibility spays of 2.4 x 43m have been provided. The plan has previously been provided to the Roads Service who confirmed that proposed access complies with Angus Council Roads Standards.

Therefore, it is submitted that the proposal fully adheres to Policy DS2 Accessible Development.

**Policy DS3: Design Quality and Placemaking** The Policy 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.

Development proposals should create buildings and places which are:

- Distinct in Character and Identity: The proposed house continues the development pattern of the area. The house is 1 ½ storey and follows the building line of the neighbouring houses. The proposed house has been sited to minimise any impact on the neighbouring properties, while providing a high-quality amenity for the prospective resident.
- Safe and Pleasant: The proposed house is set with a frontage to the road providing a private rear garden area. The scheme includes a landscape plan which includes new hedge planting along the front/west and rear/east elevations providing an attractive boundary and biodiversity opportunities
- Well Connected: The site takes access to the adjacent road and footpaths both of which link to the wider paths and road network. The site is a short walk to the existing village facilities including the local primary school and existing public transport links.
- Adaptable: The proposed house is intended to be fully accessible and provides adaptable accommodation, including ground floor bedrooms and bathroom.
- Resource Efficient: The proposed site makes best use of land as a scarce resource within the existing settlement boundary.

The current application proposes the development of a single house designed to fit the site while minimising impact on the neighbouring houses. The proposed house follows the development pattern of the immediate area. The design has been carefully considered to reflect the house to the north in terms of scale and design and will in no way detract from the surrounding area in terms of design or residential amenity. The design is for a modest, contemporary home which reflects the immediate area in scale and design. A restricted pallet of materials has been chosen which reflect the surrounding area.

**Policy DS4: Amenity** requires all proposed development to have 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 in terms of

- 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.

This proposal does not affect air quality, create disturbance, create light pollution or affect traffic. The Design Solutions at 4.2 address all the issues of privacy, outlook, sunlight, daylight and overshadowing.

**TC2 Residential Development** All proposals for new residential development are required to be including the conversion of non-residential buildings must:

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

*In addition, within development boundaries Angus Council will support proposals for new residential development where:*

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

The Advice Note 14 Small Housing Sites also provides relevant guidance and will be considered.

In response to Policies DS4 and TC2 and Advice Note 14: Small Housing Sites, in the current circumstances, and as detailed above, it is submitted that this carefully considered single house within an established residential area, which has recently experienced similar infill development is entirely appropriate and compatible with the surrounding residential use. The development will create a high-quality family home which will complement and enhance the housing choice within Newbigging.

The house has been positioned on site to minimise the impact on the neighbouring houses to the south. Considering in detail the neighbouring properties in detail:

No. 32 Pitairlie Road comprises a 1 ½ storey modern homes orientated east west. The house currently incorporates windows in the south elevation. All windows are dual aspect rooms and the therefore applicant, who also owns the property at No.32, will remove both these windows prior to the occupation of the proposed house with no loss of amenity to the existing residents. The development includes a 1.8 m fencing between the rear gardens, common for development of this nature.

No. 34 Pitarilie Road comprises a single storey cottage with rooms in the roof space. The property is situated on the mutual boundary with No.32 with no rear garden. The rear/north elevation includes 2 windows, kitchen and utility, only the kitchen is considered to be a “habitable room”. The upper floor rooms are lit by roof lights only.

At present due to the north facing elevation and the drop-in floor level, both ground floor rooms will not benefit from a great deal of natural light. The current application proposes a 1 m fence along the boundary, a fence which can be erected under permitted development rights. The proposed house has been set in line with the east gable end wall of No 34 ensuring the house will not overshadow these already dark rooms. Finally, as the new house is in line with the eastern gable end of the house there is no issue of window to window distances, or loss of privacy.

In terms of privacy, the rear/north elevation currently overlooks the garden area of No.32 Pitairlie Road, the area currently proposed for redevelopment. As such, the property already experiences a reduced level of privacy with residents of No.32 able to use the garden area immediately to the north of No.34 for recreation use etc. As mentioned the proposal includes a 1 metre fencing along the joint boundary, which can be erected under permitted development rights, this along with the level difference, will ensure no loss of privacy to the two windows to their rear/north elevation.

Therefore, it is submitted the proposed development will not detract from the amenity currently enjoyed by the resident of No.34.

No.34B Pitarilie Road, comprises a modern house 1 ½ storey house which currently overlooks the rear garden area of No.32 Pitarilie Road. The single storey rear element of the proposed

house will overlap the with the western gable of the house by 2.5 metres. The proposal includes 1.8 metre fencing along the joint boundary, fencing which can be erected under permitted development rights, this will to a great extent ensure the privacy for the neighbouring rear gardens areas. It is commonplace for rear garden to back onto each other such as that proposed, indeed this is currently the case with No32 and No.34A. The rear/north elevation of No.34B includes at ground floor, a hall, WC and utility which are considered “non-habitable”. The ground floor also includes a kitchen, which is considered to be a habitable room. This window overlooks the rear garden of their own property and, with the erection of the proposed new fence, will ensure no loss of privacy.

On the upper floor there are 2-bedroom windows. These rooms sit perpendicular at a 90-degree angle to the proposed house and a distance of 9.65 metres from the single storey element only and as such there is no issue of window to window distances, in direct line of sight.

The proposed house within an established residential area will not have a detrimental impact on air quality, noise and vibration levels, light pollution, odours, fumes and dust. Further the proposal will provide for suitable provision for refuse collection / storage and recycling and given the scale of the development will not have a detrimental impact on the surrounding roads network.

In relation to residential amenity, as highlighted above the house has been carefully designed so as not to result in any overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing to the neighbouring properties. The scheme is wholly compatible within this established residential area and will provide a satisfactory amenity for both existing and prospective residents.

In term of the Supplementary Guidance on small house sites the proposed development meets all required standards in terms of plot size (682sqm), Plot coverage (19.8%), private rear gardens (195sqm) and window to window distances.

### **Policy PV15 Drainage Infrastructure**

Development proposals within Development Boundaries will be required to connect to the public sewer where available. In the current circumstances the existing house has a private sewage system, the proposed house will include a similar system.

### **Policy PV18 Waste Management in New Development**

Proposals for new development including residential development retail are required to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

The applicant is committed to creating a sustainable development which minimises waste.

In conclusion, the current application seeks planning permission for a single house. The site is located within the settlement boundaries of Newbigging and currently forms part of the garden ground of an existing property. The house will take access to the adjacent road and will connect with the paths network, local core path network and is within easy walking distance to the local school and public transport links. The proposed house can be accommodated without loss of amenity to the existing residents and will provide a high-quality environment for prospective residents. The proposed house design has been very carefully considered to reflect the surrounding village character while respecting the amenity of existing residents.

In conclusion, it is considered that the proposed house, subject of this the application, fully accords with development plan policies. There are no material considerations that justify refusal of the application and as such we would respectfully request the application be APPROVED.

**From:**Karen Clark  
**Sent:**Tue, 15 Dec 2020 14:33:00 +0000  
**To:**MacKenzieF  
**Subject:**FW: 20/00734/FULL elevations

Hi Fraser, materials proposed below

roof - interlocking concrete roof tiles.

wall - Dry dash render, natural stone and marley eternit cladding.

windows & doors - UPVC grey.

rainwater - UPVC Black rain water downpipes and guttering.

Kind Regards

Karen



**MacKenzieF**

---

**From:** Karen Clark <karen@sullerandclark.com>  
**Sent:** 26 November 2020 14:53  
**To:** MacKenzieF  
**Cc:** [REDACTED]  
**Subject:** Planning Application Ref 20/00734/FULL Erection of a House, Land South of 32 Pitairlie Road, Newbigging

**Importance:** High



Afternoon Fraser,

I refer to the above-mentioned planning application currently pending consideration and note that the final date for neighbour consultation has now passed with two letters of representation received and I felt it would be helpful if I response to the comments contained therein.

Proposed layout- the layout of the house and associated amenities has been carefully considered in order to minimise any possible impact on the neighbouring properties. The house has been specifically located in order that it sits between the east gable of No.34 and the west gable of 34B. The proposed house sites centrally on the plot. In terms of the level difference between the plot and the existing house at 34 Pitairlie Road, as clearly demonstrated by the photographs lodged in support of the current application No.34 currently sits at a lower level than the proposed house plot, there is no dispute with regard to this issue. Any development will ensure that there is no impact on the existing mutual wall. There are various alternative locations suggested by the neighbours however we consider the current proposal offers the best solution.

Flooding- the neighbours have made anecdotal comments with regard to flooding. The applicants as residents of 4 years have no knowledge of any issue in this area. There is no issue of flooding or surface water concerns on the SEPA Flood maps. Further no issue of flooding has been raised by Angus Council Flood Team, as part of the current application or as part of the earlier application (Ref 20/00289/FULL). The Roads (Traffic) Team have requested a condition which requires the driveway to be constructed to ensure no water run off to the roadway, the applicants are happy to comply with this requirement.

Plans lack detail in terms of soil, levels, SUDS and heights-There is no anticipated issue of contamination as such no soil assessment has been undertaken. It is our intention to install a new soakaway for the new property. These details would follow once consent is granted as part of the building warrant process. Foul drainage will be a connection in the public sewer. Reference to drainage proposals can be found on the proposed site plan. PL-01.

Impact on neighbouring houses- The proposed houses have been carefully located between the east/west gable ends of 34/34B Pitairlie Road. The rear/north elevation of No. 34 Pitairlie Road will currently not benefit from a great deal of natural light due to the north orientation and the level difference with adjacent garden area, which ensures that the house sits below the level of the garden of No.32. The applicants have incorporated a 1metre fence increasing to a 1.8 metre along the mutual southern boundary, this fence can be erected under permitted development rights. The proposed development will not affect the principle/front elevations of either of the neighbouring houses, both of which are orientated to the south.

Precedent- As you will acknowledge precedent is not an issue in planning, all applications are considered on their own merits. However, in order to allay any concerns with regard to any further alterations/extensions the applicants would be prepared to accept a condition removing the permitted development rights associated with the current proposed house. This is a common condition and ensures that any extension/alteration to the proposed house would require the benefit of express planning consent.

Parking- I can confirm that the development will incorporate 4 parking spaces, apologies for any confusion.

I trust the above is of assistance in the consideration of the current application. If you require any further information please do not hesitate to contact me

Kind regards  
Karen

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■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
karen@sullerandclark.com

## MacKenzieF

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**From:** Karen Clark <karen@sullerandclark.com>  
**Sent:** 27 November 2020 12:06  
**To:** MacKenzieF  
**Cc:** [REDACTED]  
**Subject:** 20/00734/FULL 20/00734/FULL | Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures | Land South Of 32 Pitairlie Road Newbigging Monifieth.

Afternoon Fraser,

[REDACTED]

With regard to the content of the representations, I believe I have responded to most of the concerns expressed within my earlier e mail. With regard to the issue of drainage as you will appreciate the detailed drainage design will be subject to all current building regulations. These require the proposed property to be designed to ensure that all surface water will be treated within the site boundary. The introduction of a soakaway for the surface water from the house will be located to the east (rear garden) with a minimum distance of 5m from any boundary or building. This should alleviate any concerns regarding the drainage of the building.

The driveway area will be permeable paving. This will have a base construction creating a soakaway that will allow for any water within the parking area to drain into the existing ground, as stated and in line with the Roads Service requested condition.

Further, to provide additional comfort, although the drainage design will be subject to the approval of Building Standards, if considered appropriate the applicant will accept a condition requiring all drainage to be to the satisfaction of the Planning Service.

In terms of the comment regarding parking and the potential for headlight glare, currently the parking of No.32 is directed towards No. 34. We would submit that with the introduction of the proposed fencing this will in fact reduce any issue of light.

I trust these comments are of assistance. As before if you require any further information please get in touch

Kind regards  
Karen

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**32 PITAIRLIE ROAD, NEWBIGGING, MONIFIETH**

**APPLICATION NO 20/00734/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

**ITEM 1** Notice of Review

**ITEM 2** Appeal Statement

**Appendix 1** Application Forms

**Appendix 2** Decision Notice

**Appendix 3** Report of Handling

**Appendix 4** Plans

**Appendix 5** 3D Images



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 100319008-002

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="32"/>
First Name: *	<input type="text" value="Craig"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Chapman"/>	Address 1 (Street): *	<input type="text" value="Pitairlie Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newbigging"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 3RH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

## 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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

## 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 House with associated access, parking, garden ground, landscaping and boundary enclosures

## 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 attached Appeal Statement

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)

Appendix 1 Application Forms Appendix 2 Refusal Notice Appendix 3 Report of Handling Appendix 4 Plans Appendix 5 3D Images

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00734/FUL

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

26/10/2020

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

20/01/2021

## 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: Mrs Karine Suller

Declaration Date: 09/03/2021



**Appeal Statement**

**Town and Country Planning (Scotland) Act 1997  
as amended**

**Appeal against refusal of Full Planning Permission for the  
Erection of House with associated access, parking, garden ground,  
landscaping and boundary enclosures**

**at**

**Land south of 32 Pitairlie Road, Newbigging, Monifieth**

**Ref: 20/00734/FULL**

**by Angus Council ("the Authority")**

**For Mr Craig Chapman ("the Appellant")**

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■ **Karine Suller B.Sc, M.Sc, MRTPI**  
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- 1. Executive Summary**
- 2. Background**
- 3. Reasons for refusal**
- 4. Grounds of Appeal**
- 5. Site Description**
- 6. Planning History**
- 7. Proposal**
- 8. Sustainability**
- 9. Development Plan**
- 10. Discussion**

## **Appendixes**

**Appendix 1 Application Forms**

**Appendix 2 Refusal Notice**

**Appendix 3 Report of Handling**

**Appendix 4 Plans**

**Appendix 5 3D images**

## 1. Executive Summary

This appeal statement has been prepared on behalf of Mr Craig Chapman, the appellant, in respect of the decision of Angus Council's refusal of full planning permission for the Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures land south of 32 Pitairlie Road, Newbigging, Monifieth application Ref: 20/00734/FULL.

The Review Statement considers in detail the reasons for refusal and demonstrates that the proposal adheres to the policies of the Scottish Government and Angus Council. The Local Review Board is required to consider the proposal de novo and is respectfully requested to uphold the review and grant planning permission.

## 2. Background

An application for Full Planning Permission was submitted and validated on 26 October 2020. The application was refused under the delegation scheme on 20 January 2021. The planning application sought full planning permission for the erection of house with associated access, parking, garden ground, landscaping and boundary enclosures on land south of 32 Pitairlie Road, Newbigging, Monifieth.

The Decision Notice (Appendix 2) dated 20 January 2021, reads:

*"1. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 because the proposed house would result in an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.*

*2. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 as the proposal would not provide a satisfactory residential environment for the occupant(s) of the proposed dwelling as its private garden ground would be overlooked by windows, including first floor windows, of neighbouring property to the south."*

## 3. Grounds of Appeal

1. The Appellant does not accept that the proposal has an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house. The proposed house, is located to the north to the two existing houses and has been very carefully sited between the gables to the properties so as not to impact on the existing amenity. It must be recognised that the amenity of No.34 Pitairlie Road is already compromised due to the proximity of the house to the boundary, the existing level

difference, the fencing in situ and the fact that the windows are on a north facing elevation. However, the proposed house has only a minor overlap with No.34, which considered with the already compromised north elevation, ensures the outlook is largely unaffected by the proposed house. No. 34B is located 7.5 metres from the boundary with the proposed single storey element of the proposed house overlapping the rear elevation. The property at 34B house benefits from open views to the north and east with the main elevation due south. For these reasons, the appellant does not consider the proposed house to be overbearing and will not therefore adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.

2.The properties to the south at 34 and 34B Pitairlie Road currently overlook the rear and side garden of 32 Pitairlie Road. It is clear from a review of the wider area and sites throughout Angus that, within settlements, it is common place for gardens to back on to each other resulting in the private rear gardens at times being overlooked by neighbouring properties. The Report of Handling incorrectly references Planning Advice Note 14 Small Houses sites and puts considerable weight on the requirement to provide 12m distance between the main windows of the proposed house and the mutual boundary. Firstly, it should be noted that Advice Note 14, Small House Sites provides “advice” only and, as confirmed by the Planning Service, the Advice Note requires to be updated. That said the PAN is clear that the 12m requirement relates to “the distance between the main windows of the proposed house and the mutual boundary.” In the current circumstances the first-floor windows on 34B consist of 2 bedroom windows and a hall window and do not consist of a “main window” and therefore the 12 m separation does not apply. It is common place within settlements for second floor, primarily bedroom windows, to overlook the rear gardens of neighbouring properties, indeed this is currently the case with No.34B which at present overlooks the rear garden of 32 Pitairlie Road. This is an issue for the prospective resident and if not acceptable will chose not to live in the proposed house. However, as the house benefits from a very attractive aspect across open fields to the east and a 1.8 m fence will be erected long the boundary with 34B, it is submitted that the site will afford this proposed house a very attractive and substantially private garden area, indeed more private than many gardens.

For the above reasons it is submitted that the proposal complies with policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016

Further it is worthwhile noting that in designing the proposed house and layout provide a house on this infill site within an existing village an earlier application was withdrawn to respond to the issues raised by neighbours. The issues addressed and the solutions incorporated into the design include the following:

- No. 34 Pitairlie Road, which is built on the joint boundary to the south with no rear garden area. Kitchen and utility windows facing north, require consideration.
- Level difference between the appeal site and No.34, of approximately. 0.6metre lower than the current garden ground

- 34B rear elevation faces north towards the proposed plot. Windows on ground floor facing north comprise hall, utility, WC and kitchen/dining. Upper floors two-bedroom windows all of which currently overlook garden area of No.32.

The solutions were presented as

- Centring the house on the plot so that gable ends would be between the two houses to the south, to minimise impact
- Blank gables to north and south elevations to ensure no direct line of sight windows
- Incorporation of fencing along south boundary, being 1m forward of front elevation of house, and 1.8m fencing beyond the front elevation eastwards to protect the privacy of neighbours to south. The fencing takes account of the difference in height between properties to south, particularly No. 34, as can be seen in the photo below:



The site layout plan above clearly shows that considerable care has been taken in the siting of the house, to minimise its impact upon the neighbouring properties to the south.

Further, while it is accepted that all representations are valid, it is also reasonable to note that many of the objectors are not local to the area with one received from Dundee and one from an Edinburgh address.

It should further be noted that the majority of representations were supportive and all of the letters in support were received from local residents. The reasons for support related to local residents keen to see the site a vacant site utilised, finding the plot to be ample to accommodate such a home and looking to support the local community.

Finally, the intention is that the propose house will provide accommodation for the appellants aging relative who is looking to move to a fully accessible house in close proximity to relatives. This need has been further compounded by the ongoing Covid pandemic and the need to secure the required support. The proposed house has been carefully sited and designed to make best use of the parcel of ground. It will provide a home with two ground floor bedrooms and bathroom ensuring it is fully accessible to all. Further, the layout could provide flexible accommodation including providing accommodation for a disabled occupant and carer.

#### **4. Site Description**

The appeal site is located to the east of the B961, Pitairlie Road which links Newbigging to Monifieth to the south and to Monikie to the north. The site, which extends to 692 sqm, currently forms part of the large garden associated with 32 Pitairlie Road, a modern detached property with extensive garden on all sides. The total plot of No.32 currently extends to extends to 1974sqm with the house located towards the northern part of the plot orientated east/west.

The appeal site is generally level and is open to Pitairlie Road to the south there is an existing stone retaining wall and timber fencing. The neighbouring two houses to the south are built perpendicular to the road, with ridge lines orientated east-west. The site has open countryside to the east. The appeal site has become overgrown over recent years and is no longer used as part of the functional garden ground of 32 Pitairlie Road.



Ariel view of the appeal site



View south across the appeal site looking east



34 and 34B Pitarlie Road viewed from site existing boundary wall and fencing in situ. Both properties currently overlook the garden of No.32 Pitairlie Road.





Views north, remaining garden of 32 Pitairlie Road. Neighbouring infill property to north overlooking rear garden ground



Road frontage, clear visibility in both directions



Rear elevation of 34 Pitairlie Road, house set lower than appeal site, kitchen window already compromised by northern elevation, level difference existing wall and fence. Window currently overlooks front garden area of 32 Pitairlie Road



Existing wall along southern boundary of site



Boundary with 34 Pitairlie Road, demonstrates the level difference, existing wall and fence



Extract from Angus Local Development Plan- Newbigging settlement boundary

The appeal site is located within the settlement boundary of Newbigging and is in close proximity to the local primary school and public transport links. Newbigging itself is a small village which has grown organically over time and includes a wide range of house types ranging from more traditional stone-built cottages to more modern semi and detached homes. The village has been subject to infill development over time, an example of this are the properties at 32 and 34B Pitairlie Road.

The site is immediately adjacent to the B961 which provides a safe vehicular access to the wider area. The frontage A previously included a kerb drop here for access which has since been reversed. The road frontage includes a well-lit footpath which links to core paths 184 and 185 and thereafter to the wider paths network. The 78/79 bus provides regular bus service to Dundee/Monifieth/Broughty Ferry.



Extract from Core Path Map 16

## **5. Site Planning History**

A pre-application enquiry response was received from Angus Council Planning Service on the 25<sup>th</sup> March 2020. The advice confirmed that the proposal for a single house on the site of the current application appeared to be generally consistent with the character and pattern of development in the surrounding area. The pre-application advice then set out the various policy requirements all of which have been addressed by the current planning submission.

A previous planning application was lodged with Angus Council on the 20<sup>th</sup> April 2020 (Ref 20/00289/FULL). The proposal was for a similar single house on the current appeal site. There were a number of representations from local residents and queries from the planning officer, as such the decision was made to withdraw this application in order to respond to the comments received.

## **6. Design Process**

The design has developed from the appellant's desire to achieve a modest single house in conjunction with the required parking, access, landscaping and appropriate areas of garden ground, while respecting the amenity of the neighbouring property.

The proposal seeks full planning permission for a single house and all associated amenities including access, off street parking and private garden ground while not impacting on the amenity of the adjoining neighbours and not detracting from the wider community.

The key opportunities were:

- Generous plot size
- Road frontage to B961
- Open aspect to the east

The key constraints are:

- No. 34 Pitairlie Road, which is built on the joint boundary to the south with no rear garden area. Kitchen and utility windows facing north, require consideration.
- Level difference between the appeal site and No.34, of approx. 0.6metre lower than the current garden ground
- 34B rear elevation faces north towards the proposed plot. Windows on ground floor facing north comprise hall, utility, WC and kitchen/dining. Upper floors two-bedroom windows all of which currently overlook garden area of No.32.

The proposed layout plan indicates a plot area of 692sqm with a house footprint of 137sqm. The remaining plot for No.32 Pitairlie Road is 1 282sqm. The proposed house has been carefully located to the centre of the plot and will sit between the gables of the houses to the south. The layout provides a very generous front garden area and a private rear garden of 195sqm. Access to the site will be taken from the B961 to the west, the Roads Service have confirmed this to be acceptable. The

position of the house was carefully sited to be located between the east gable end of No. 34 and the west gable end of No. 34B, in order to minimise any impact. The proposed house is 1 ½ storey with blank gables to the north and south to ensure no possibility of overlooking of the neighbouring properties. The proposal further includes a fence of 1 m forward of the front elevation of the proposed house, increasing to a 1.8 m behind the front elevation along its southern boundary with the neighbouring properties in order to protect the privacy of these properties. This fence can be constructed under permitted development rights.

The proposed house offers a modern 1 ½ storey home which will be fully accessible as the intended occupier is an older relative of the appellant. The house will provide a three bedroomed house of contemporary design. The front part of the house will be 1 ½ storey with a single storey element accommodating the kitchen to the rear with living roof. The house will include generous front and rear garden areas and off-street parking area. The house will be finished in a simple pallet of materials chosen to complement the immediate area.

In terms of sustainability the appeal site is located within the defined development boundary of Newbigging. The site is immediately adjacent to the existing footpath and roads network and is a short walk to the local school and public transport links. As such the appeal site is in a sustainable location.

In terms of the design of the proposed house will be designed with sustainable features at the core of the design including photovoltaic roof panels. In addition, the scheme will include sustainable urban drainage systems. In line with Building Control standards the house will be insulated to a high level.



Proposed east and west elevations



IMAGES

3D images of Proposed east and west elevations



Plan indicating window to window distances

In terms of proximity and impact on neighbouring properties, this has been very carefully considered in developing the current proposals. A plan has been provided which demonstrates window to window distances and confirms the following:

34 Pitairlie Road-

- kitchen open views over front garden area, **no change from current situation**
- Utility room- open view to front garden- **no change from current situation**

34A Pitairlie Road-

- Ground floor toilet- **non-habitable toom window to blank wall 9.7m (PAN 14 requirement 4 m)**
- Ground floor kitchen- **open views over looks rear garden, no change from current situation**
- Ground floor utility- **open views overlooks rear garden, no change from current situation**
- Stair window- **open views over looks rear garden, no change from current situation**
- Upper floor bedroom windows- **open views over rear garden, no change from current situation**

## 32 Pitairlie Road

This property is within the ownership of the appellant. It is acknowledged that there are windows on the southern elevation however all rooms benefit from dual aspect. Therefore, it is the intention that if the current proposal is approved the windows will be removed creating a blank wall to the south, thereby meeting the required window to window distances. The appellant is content to accept a condition ensuring this work is completed prior to the occupation of the proposed house. The Report of Handling makes comments that this required work demonstrates that the appeal site is unsuitable. The appellant refutes this statement, even with the subdivision of the site to provide the proposed plot, the existing house will site within a generous 1282sqm plot. The rooms in question benefit from dual aspect as such the removal of the southern facing windows will in no way affect the character, amenity and quality of life of the residents.

In response to the representations received from local residents we would respond as follows:

- Impact on neighbouring houses - the layout of the house and associated amenities has been carefully considered in order to minimise any possible impact on the neighbouring properties. The house has been carefully sited between the east gable of No.34 and the west gable of 34B. The proposed house sites centrally on the plot. In terms of the level difference between the plot and the existing house at 34 Pitairlie Road, as clearly demonstrated by the photographs lodged in support of the current proposal, No.34 currently sits at a lower level than the proposed house plot, there is no dispute with regard to this issue. Any development will ensure that there is no impact on the existing mutual wall. The rear/north elevation of No. 34 Pitairlie Road currently does not benefit from a great deal of natural light due to the north orientation, the level difference with adjacent garden area, which ensures that the house sits below the level of the garden of No.32 and the existing fence. The proposal includes a 1metre fence increasing to a 1.8 metre along the mutual southern boundary, this fence can be erected under permitted development rights. The proposed development will not affect the principle/front elevations of either of the neighbouring houses, both of which are orientated to the south.
- Flooding- the neighbours have made anecdotal comments with regard to flooding. The appellant, as a residents of 4 years, has no knowledge of any issue in this area. There is no issue of flooding or surface water concerns on the SEPA Flood maps. Further no issue of flooding has been raised by Angus Council Flood Team, as part of the current proposal or as part of the earlier application (Ref 20/00289/FULL). The Roads (Traffic) Team have requested a condition which requires the driveway to be constructed to ensure no water run off to the roadway, the appellants are happy to comply with this requirement.
- Plans lack detail in terms of soil, levels, SUDS and heights-There is no anticipated issue of contamination as such no soil assessment has been undertaken. It is our intention to install a new soakaway for the new property. These details would follow once consent is granted as part of the building warrant process. Foul drainage will be a connection in the public sewer. Reference to drainage proposals can be found on the proposed site plan. PL-01.
- Precedent- As acknowledged by planning case history, precedent is not an issue in planning, all applications are considered on their own merits. However, in order to allay any concerns

with regard to any further alterations/extensions the appellant would be prepared to accept a condition removing the permitted development rights associated with the current proposed house. This is a common condition and ensures that any extension/alteration to the proposed house would require the benefit of express planning consent.

## **7. Angus Local Development Plan 2016**

The Angus Local Development Plan was adopted September 2016. The site is located wholly within the development boundary of Newbigging.

The following policies are considered of relevance and will be considered in detail in the Discussion Section.

- DS1: Development Boundaries and Priorities Policy
- DS2: Accessible Development Policy
- DS3: Design Quality and Placemaking
- DS4: Amenity Policy
- TC2: Residential Development Policy
- PV15: Drainage Infrastructure Policy
- PV18: Waste Management in New Development

The Planning Advice Note 14 on Small House Sites is considered of limited relevance as, by the Planning Services own admission, this is out of date and requires to be updated. These policies will be considered in detail in the Discussion below.

## **8. Discussion**

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

The current appeal seeks full planning permission for the erection of a single house with all associated amenities on land to the south of 32 Pitairlie Road. The site was last used as garden ground, however is now no longer actively used and has become overgrown. The site is situated within the identified town boundary of Newbigging, a small settlement which has developed organically over time and includes a number of infill developments similar to that proposed. The village includes a small primary school which is significantly under capacity and as such will benefit from new development. The site has excellent accessibility to the village, including to the public transport links.

The appeal site extends to 692sqm with the remaining house, with No.32 Pitairlie Road, retaining a generous plot size of 1 282sqm. The plots are considered to be of similar scale to many houses



within the immediate area and of sufficient scale to provide all associated amenity requirements including off street parking and private amenity space.

A layout plan has been provided which confirms access from the adjoining B961 with visibility of 2.4 x 43m, previously considered satisfactory by the Roads Service. The proposed house will be located to the centre of the site orientated north/south taking maximum advantage of the open views to the east to the rear. The house design has been developed to provide a high-quality, modern and energy efficient detached family home.

Throughout the design process great care has been taken to protect the amenity of the neighbouring properties with the submitted design meeting the standards of Angus Council. While it must be accepted that PAN 14 Small House is somewhat out dated it does provide helpful guidance, considering the relevant guidelines in detail

	PAN Requirement	Proposal
Plot size	Minimum 400sqm	692 sqm
Private Rear Garden	Minimum 100sqm.	195sqm
Plot ratio	No specific guidance	19.8%
Window to window	See discussion below	

With regard to the specific policies of the Angus Local Plan Review.

**Policy DS1: Development Boundaries** The site is located within the existing Newbigging village boundary as such, the Policy requires

*“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 the relevant policies of the ALDP”*

The proposed house is located within the identified development boundaries of Newbigging, within an established residential area with a number of infill development in close proximity. There are a range of different house types and house orientations within the immediate surroundings, for example as with the proposed house, 32 Pitairlie Road is orientated east/west. It is evident that Newbigging has grown organically with planned and infill housing developed over time making best use of land, creating a close-knit development pattern. The current proposal will continue organic pattern of growth within the area making best use of this vacant area of land for a residential use. This is confirmed by the Report of Handling which states that the proposed house “will not significantly harm the character or pattern of development in the surrounding area having regard to other examples found nearby.”

The proposed plans provide a carefully considered, modest house which includes all associated amenities, thereby ensuring a high-quality residential amenity for prospective residents while maintaining the amenity for existing residents.

**Policy DS2 Accessible Development** Proposals will require to demonstrate, according to scale, type and location, that they,

- *Are or can be made accessible to the existing or proposed public transport network*
- *Make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances*
- *Allow easy access for people with restricted mobility.*
- *Provide and/or enhance paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and*
- *Are located where there is adequate local road network capacity or where capacity can be made available.”*

The site is located immediately adjacent to the existing road and the well-lit footpath and is within a short walk to existing public transport networks, the local core path network and the local primary school.

Access to the site will be taken from the adjoining public road. Visibility spays of 2.4 x 43m have been provided. The Roads Service have confirmed that proposed access complies with Angus Council Roads Standards.

Therefore, it is submitted that the proposal fully adheres to Policy DS2 Accessible Development.

**Policy DS3: Design Quality and Placemaking** The Policy 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.

Development proposals should create buildings and places which are:

- Distinct in Character and Identity: The proposed house continues the organic development pattern of the area. The house is 1 ½ storey and follows the building line of the house to the north. The proposed house has been sited to minimise any impact on the neighbouring properties, while providing a high-quality amenity for the prospective resident.
- Safe and Pleasant: The proposed house is set with a frontage to the road providing a private rear garden area. The scheme includes a landscape plan which includes new hedge planting along the front/west and rear/east elevations providing an attractive boundary and biodiversity opportunities
- Well Connected: The site takes access to the adjacent road and footpaths both of which link to the wider paths and road network. The site is a short walk to the existing village facilities including the local primary school and existing public transport links.
- Adaptable: The proposed house is intended to be fully accessible and provides adaptable accommodation, including ground floor bedrooms and bathroom.

- **Resource Efficient:** The proposed site makes best use of land as a scarce resource within the existing settlement boundary.

The current proposal is for a single house designed to fit the site while minimising impact on the neighbouring houses. The proposed house follows the development pattern of the immediate area. The design has been carefully considered to reflect the house to the north in terms of scale and design and will in no way detract from the surrounding area in terms of design or residential amenity. The design is for a modest, contemporary home which reflects the immediate area in scale and design. A restricted pallet of materials has been chosen which reflect the surrounding area.

**Policy DS4: Amenity** requires all proposed development to have 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 in terms of

- 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.

This proposal does not affect air quality, create disturbance, create light pollution or affect traffic.

In terms of overshadowing as indicated the proposed house has been carefully sited between the east and west gables of Nos. 34 and 34b to ensure the proposed house does not overshadow or have an overbearing impact on these properties. There is no building proposed immediately in front of the windows of these properties. The properties at 34 and 34B have their main elevations facing south with the rear windows facing due north. It is submitted that No.34 Pitairlie Road already has a compromised rear elevation due to a combination of factors including the north facing elevation the proximity to the rear boundary, the level difference and the existing boundary fence.

In terms of overlooking of the neighbouring houses the proposed house is 1 ½ storey with blank gables to the north and south to ensure no possibility of overlooking of the neighbouring properties. The proposal further includes a fence of 1 m forward of the front elevation of the proposed house, increasing to a 1.8 m behind the front elevation along its southern boundary with the neighbouring

properties in order to protect the privacy of these properties. This fence can be constructed under permitted development rights.

**TC2 Residential Development** All proposals for new residential development are required to be including the conversion of non-residential buildings must:

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

*In addition, within development boundaries Angus Council will support proposals for new residential development where:*

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

The report of Handling also refers to Advice Note 14 Small Housing Sites.

In response to Policies DS4 and TC2 and Advice Note 14: Small Housing Sites, in the current circumstances and as detailed above, it is submitted that this carefully considered single house within an established residential area, which has recently experienced similar infill development is entirely appropriate and compatible with the surrounding residential use. The development will create a high-quality family home which will complement and enhance the housing choice within Newbigging.

The proposed house will not have a detrimental impact on air quality, noise and vibration levels, light pollution, odours, fumes and dust. Further the proposal will provide for suitable provision for refuse collection / storage and recycling and given the scale of the development will not have a detrimental impact on the surrounding roads network.

In relation to residential amenity, for both the existing and prospective residents, as highlighted above the house has been carefully designed so as not to result in any overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing to the neighbouring properties. The scheme is wholly compatible within this established residential area and will provide a satisfactory amenity for both existing and prospective residents.

The Report of Handling rests on Advice Note 14, Small House Sites, this document provides “advice” only and as confirmed by the Planning Service requires to be updated, but do they provide “useful information”.

In the current circumstances the use of this small vacant plot within an existing settlement makes best use of land as a scarce resource, a main aim of Scottish Planning Policy. The proposed house continues the development pattern of the area and will support the village and the services and facilities contained therein. The development complies with the guidance on small house sites in terms of plot size (682sqm), Plot coverage (19.8%), private rear gardens (195sqm) and window to window distances. With regard to the overlooking of the rear garden of the proposed house, the PAN 14 states

“Of course, screening cannot be effective where a second floor is concerned and this is the cause of much discontent amongst existing proprietors affected by such proposals. Accordingly, where a second and overlooking storey is involved, the distance between the ***main windows*** of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres.”

In the current circumstances the first-floor windows on 34B consist of 2 bedroom windows and a hall window and as such do not consist of a “main window” therefore the 12 m separation does not apply. It is common place within built up areas for second floor, primarily bedroom windows, to overlook the rear gardens of neighbouring properties, indeed this is the case with No.34B which currently overlooks the rear garden of 32 Pitairlie Road. Further, the garden of the proposed house is generous with views across open fields. Finally, a 1.8 m fence will be provided along the mutual boundary. As such it is submitted that the advice provided by PAN 14, is just that, advice, and in the current circumstances the rear garden will be sufficiently private providing a satisfactory level of amenity for prospective residents.

Considering the impact on the existing neighbouring properties in detail:

No. 32 Pitairlie Road comprises a 1 ½ storey modern homes orientated east west. The house currently incorporates windows in the south elevation. All windows are dual aspect rooms and the therefore appellants, who also owns the property at No.32, will remove both these windows prior to the occupation of the proposed house with no loss of amenity to the existing residents. The development includes a 1.8 m fencing between the rear gardens, common for development of this nature.

No. 34 Pitairlie Road comprises a single storey cottage with rooms in the roof space. The property is situated close to the mutual boundary with No.32 with no rear garden. The rear/north elevation includes 2 windows, kitchen and utility room, only the kitchen is considered to be a “habitable room”. The upper floor rooms are lit by roof lights only.

At present due to the north facing elevation, the drop-in floor level and the presence of the existing fence along the mutual boundary the ground floor rooms will not benefit from a great deal of natural light. The proposed house has been set in line with the east gable end wall of No 34 ensuring the house will not overshadow these already dark rooms. Finally, as the new house is in line with the eastern gable end of the house there is no issue of window to window distances, or loss of privacy.

In terms of privacy, the rear/north elevation currently overlooks the garden area of No.32 Pitairlie Road, this area will remain as garden ground, albeit associated with the new house, therefore there will be no change. As such, it is fair to conclude that due to the proximity to the boundary No.34 already experiences a reduced level of privacy with residents of No.32 able to use the garden area immediately to the north of No.34 for recreation, parking use etc. Therefore, any adverse amenity impacts for example headlights etc, will already be experienced. The currently proposal will not result in any change to the current situation. As mentioned the proposal further includes a 1 metre fencing along the joint boundary, which can be erected under permitted development rights, this along with the level difference, will ensure no loss of privacy to the two windows to their rear/north elevation.

Therefore, it is submitted the proposed development will not detract from the amenity currently enjoyed by the resident of No.34.

No.34B Pitairlie Road, comprises a modern house 1 ½ storey house which currently overlooks the rear garden area of No.32 Pitairlie Road. The single storey rear element of the proposed house will overlap the with the western gable of the house by 2.5 metres. The proposal includes 1.8 metre fencing along the joint boundary, fencing which can be erected under permitted development rights, this will to a great extent ensure the privacy for the neighbouring rear gardens areas. It is commonplace for rear garden to back onto each other such as that proposed, indeed this is currently the case with Nos. 32 and No.34A. The rear/north elevation of No.34B includes at ground floor, a hall, WC and utility which are considered “non-habitable”. The ground floor also includes a kitchen, which is considered to be a habitable room. This window overlooks the rear garden of their own property and, with the erection of the proposed new fence, will ensure no loss of privacy.

On the upper floor there are 2-bedroom windows. These rooms sit perpendicular at a 90-degree angle to the proposed house and a distance of 9.65 metres from the single storey element only and as such there is no issue of window to window distances, in direct line of sight.

#### **Policy PV15 Drainage Infrastructure**

Development proposals within Development Boundaries will be required to connect to the public sewer where available. In the current circumstances the existing house has a private sewage system, the proposed house will include a similar system.

#### **Policy PV18 Waste Management in New Development**

Proposals for new development including residential development retail are required to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

The appellant is committed to creating a sustainable development which minimises waste.

In conclusion, the appeal seeks full planning permission for a single house. The site is located within the settlement boundaries of Newbigging and currently forms part of the garden ground of an existing property. The house will take access to the adjacent road and will connect with the paths

network, local core path network and is within easy walking distance to the local school and public transport links. The proposed house can be accommodated without loss of amenity to the existing residents and will provide a high-quality environment for prospective residents. The proposed house design has been very carefully considered to reflect the surrounding village character while respecting the amenity of existing residents.

In conclusion, it is considered that the proposed house, subject of this the appeal, fully accord with development plan policies. There are no material considerations that justify refusal and as such we would respectfully request the application be APPROVED.

March 2021.



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: [plnprocessing@angus.gov.uk](mailto:plnprocessing@angus.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE      100319008-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Full planning permission for Erection of House with associated access and garden ground

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karen	Building Name:	Scoutbog Steading
Last Name: *	Clark	Building Number:	
Telephone Number: *		Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karen@sullerandclark.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Craig	Building Number:	32
Last Name: *	Chapman	Address 1 (Street): *	Pitairlie Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newbigging
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	DD5 3RH
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

735983

Easting

349820

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Previous pre application advice and planning application

Title:

Other title:

First Name:

Last Name:

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

692.00

Please state the measurement type used:

Hectares (ha)

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

garden ground

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes

No

If Yes please describe and show on your drawings the position of any existing, Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin store provided as part of development

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Karen Clark

On behalf of: Mr Craig Chapman

Date: 22/10/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

Planning Supporting Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Karine Suller

Declaration Date: 23/10/2020



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

PLANNING PERMISSION REFUSAL  
REFERENCE : 20/00734/FULL

To Mr Craig Chapman  
c/o Suller & Clark  
Karen Clark  
Scoutbog Steading  
Oldmeldrum  
AB51 0BH

With reference to your application dated 26 October 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures at Land South Of 32 Pitairlie Road Newbigging Monifieth for Mr Craig Chapman

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

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

1. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 because the proposed house would result in an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.
2. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 as the proposal would not provide a satisfactory residential environment for the occupant(s) of the proposed dwelling as its private garden ground would be overlooked by windows, including first-floor windows, of neighbouring property to the south.

Amendments:

The application has not been subject of variation.

Dated this 20 January 2021

Kate Cowey - Service Leader  
Planning & Communities  
Angus Council  
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
Development Standards Committee/Full Council	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	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.	Local Review Body – See details on attached Form 2
Other Decision	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

## NOTICES

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

Telephone 01307 492076 / 492533  
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 The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<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?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<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.

**Angus Council**

<b>Application Number:</b>	20/00734/FULL
<b>Description of Development:</b>	Erection of House with associated access, parking, garden ground, landscaping and boundary enclosures
<b>Site Address:</b>	Land South Of 32 Pitairlie Road Newbigging Monifieth
<b>Grid Ref:</b>	349818 : 735978
<b>Applicant Name:</b>	Mr Craig Chapman

**Report of Handling**

**Site Description**

The application site consists a 692sqm area of garden ground south of the existing house at 32 Pitairlie Road, Newbigging. The site is bound by the B961 Public Road at the west, agricultural fields at the east, the existing house at the north and two neighbouring houses (34 and 34b Pitairlie Road) at the south.

**Proposal**

Planning permission is sought for the erection of a house. The proposed house would be located centrally within the site with the principal elevation facing west towards the public road. Vehicular access would be taken by a new junction at the west boundary of the site and would lead to a parking area forward of the proposed house. The house would have a 154sqm footprint, would provide accommodation over two floors and would have a pitched roof section at the front (west) section of the house and a flat roof section at the rear (east). The house would be finished with concrete roof tiles, dry-dash render, natural stone and grey cladding.

The house would connect to the public water supply and public drainage network and would use sustainable drainage systems for handling 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 6 November 2020 for the following reasons:

- Neighbouring Land with No Premises

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

**Planning History**

20/00289/FULL for Erection of a house within garden ground was determined as "Application Withdrawn" on 15 July 2020.

**Applicant's Case**

The Planning Statement provides an overview of the proposal and indicates the aim of the statement is to provide an assessment of the proposed development against the relevant development plan and respond to the representations raised at the time of the previous application. It includes a site appraisal, design brief and analysis of key issues. The potential impacts on the amenity of neighbouring property is

discussed and it is indicated it is the intention that if the current application is approved the windows on the existing house at 32 Pitairlie Road would be removed creating blank wall on its south elevation, thereby meeting window to window distances. An assessment of the proposal against development plan policy is provided and concludes the proposed house fully accords with development plan policies.

Two responses to public comments were submitted by the applicant's agent and seek to address concerns raised in relation to layout, flooding, contamination, amenity impacts, parking and drainage matters.

## **Consultations**

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

**Angus Council - Roads** - Offered no objection subject to the attachment of a condition regulating driveway design to prevent discharge of surface water to the public road and an informative note regarding footway crossing construction standards.

**Scottish Water** - Offered no objection to the proposal.

## **Representations**

17 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 5 objected to the proposal and 12 supported the proposal.

The main points of concern were as follows:

- Impacts on amenity of neighbouring property in terms of loss of light, outlook and privacy, distance with neighbouring property, glare from headlights, height differences between site and neighbouring property;
- Creates a precedent for future development/necessity to prohibit any future development at the site/house;
- Impacts on drainage and flood risk for neighbouring property;
- Plans lack detail/are not accurate on site and floor levels;

The main points of support were as follows:

- Potential to help increase pupil numbers for local school;
- Would provide local jobs;
- Sympathetic and contemporary house design;
- A house with a drainage system would rectify flooding;
- Purposeful use of empty ground;
- Plot is ample size for house;
- Improvements to public pavement through development;
- Use of renewables for sustainable power;
- House will provide for a disabled occupant and person in caring role.

The above matters are addressed in the Assessment Section below.

## **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 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 states that proposals for 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 local development plan.

Policy TC2 deals with residential development proposals and indicates that proposals for new residential developments within development boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. It also indicates that new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The site is not protected for any specific use within the local development plan. The site is currently garden ground associated with the bungalow to the north (32 Pitairlie Road) and residential use of the site is a compatible land use.

The character and pattern of housing development to the north and south is dominated by housing, with most housing detached or semi-detached in type and designed with a southern aspect. There are examples of houses fronting onto Pitairlie Road, but the dominant characteristic is housing at right angles to Pitairlie Road facing south. The proposed house would contrast with that dominant characteristic by facing west onto Pitairlie Road but the proposed house would not significantly harm the character or pattern of development in the surrounding area having regard to other examples found nearby.

Policy TC2 requires new houses to provide a satisfactory residential environment for the would-be householder including the provision of an adequate level of private garden ground. It also requires new housing to be provided in a manner which does not unacceptably impact on the amenity of neighbouring residents. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The Council's Design and Placemaking Supplementary Guidance seeks to ensure that new buildings do not overlook private areas of neighbouring properties. It indicates that proposals on infill sites should be appropriate in terms of their scale and massing and not overshadow or overwhelm neighbouring properties.

The site is located within the garden ground of 32 Pitairlie Road, which is a detached bungalow which contains various windows facing south into the site. Its southern gable would be 4m from the northern boundary of the proposed site and around 5.5m from the northern gable of the proposed house. That southern gable contains large windows serving living areas which the applicant suggests would be removed to accommodate a house on the proposed site.

34 and 34B Pitairlie Road are detached dwellings located to the immediate south of the site. Those properties overlook almost the entire site as illustrated by the 'existing images' on the 'Window Distance Plan and Adjacent Property Elevations' drawing. 34 Pitairlie Road has windows in its north elevation very close to the southern boundary of the site and around 3.3m from the southern gable of the proposed house.

34B Pitairlie Road is also located close to the southern boundary of the site and has windows located on its north elevation at ground and first floor level. Some of those windows would be around 7.5m from the southern site boundary and 9m from the southern gable of the proposed house. The window serving the



stair on the north elevation of 34B would be approximately 5m from the southern boundary of the proposed site. 34B contains first floor windows which would be less than 8m from the southern boundary and would face towards and overlook the private amenity space at the rear of the proposed house.

While the proposed house would include an adequate quantity of garden ground, the privacy of that garden ground would be significantly impeded by overlooking from windows in the first floor of 34B to the south. Those windows are around 8m from the southern boundary of the site and Council guidance contained in Advice Note 14 suggests that *where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres.*

The introduction of a one and a half storey house in close proximity to windows in 34 and 34B Pitairlie Road would also result in an overbearing presence in the outlook from those properties. There is currently an open area of garden ground and a 22m separation distance between the south elevation of 32 Pitairlie Road and 34 Pitairlie Road. The space and open aspect currently provided by that area of garden ground would be removed and the new house would be as little as 3.3m from a window serving 34 Pitairlie Road. The area to the front/west of the proposed house would be used as a parking and turning area and, as noted in objections received, there would be adverse amenity impacts associated with car headlights in such close proximity to those windows.

The northern gable of the proposed house would be within 5.5m of lounge/dining windows serving 32 Pitairlie Road to the north. To overcome the issue caused by introducing a one and a half storey gable 5.5m in front of those windows, the applicant proposes to block them up. The necessity to carry out that alteration to the existing house is symptomatic of the unsuitable nature of the site to accommodate the proposed house.

The proposal is contrary to policies TC2 and DS4 because the new house would not provide a satisfactory residential environment for the would-be householder due to overlooking from existing housing; and because the proposed house would have an unacceptable impact on the amenity of neighbouring residents by virtue of its overbearing presence in close proximity to existing housing.

The proposal does not give rise to any other significant issues in terms of development plan policy that could not be addressed by planning condition.

The site is not subject of any natural or built heritage designation and there is no reason to consider that the proposal would result in significant direct or indirect impacts on the natural or built environment. Having regard to the consultation response provided by the Roads Service, the development would not result in any significant impacts in respect of road traffic or pedestrian safety. A development of this scale does not require a contribution towards affordable housing provision and available information suggests there is adequate infrastructure in the area to serve a new dwelling.

The proposed house would connect to the public water supply and foul drainage network with SuDS for surface water. Scottish Water offered no objection to the proposal and the proposed arrangements are in accordance with Policy PV15. The site is not in an area known to be at risk of flooding on the SEPA flood maps. The Building Warrant process would regulate the precise details of surface water drainage to ensure that it is appropriately managed within the site.

Policy DS1 offers support for proposals within development boundaries where they are of an appropriate scale and nature and are in accordance with relevant policies of the local development plan. As noted above, the new house would not provide a satisfactory residential environment for the would-be householder due to overlooking from existing housing; and the proposed house would have an unacceptable impact on the amenity of neighbouring residents by virtue of its overbearing presence in close proximity to existing housing. It follows that the proposed house is not of an appropriate scale and nature for its location and the proposal is accordingly contrary to Policy DS1.

In relation to material considerations, it is relevant to note that representations have been submitted in relation to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The objections raise concerns about impacts on amenity and it is concluded above that the proposal would result in an overbearing impact on neighbouring property due to its height and proximity to existing housing. In terms of the potential for further development within the plot, were the proposal otherwise acceptable it would be necessary to prevent the use of the flat roof extension as a balcony which would have the potential to significantly increase amenity impacts associated with the new house. Comments relating to flooding and drainage are noted but there is no evidence to suggest that suitable drainage arrangements could not be provided within the site to manage surface water.

There are also a number of letters of support relating to the proposal but none of the matters raised represent considerations which carry sufficient weight to override the development plan position.

In conclusion, the application proposes the erection of a new house within an area of garden ground that is significantly overlooked by the occupants of neighbouring property. As a result, the proposed house would be incapable of providing a satisfactory residential environment for its occupant(s) and would result in unacceptable impacts on the residential amenity of the occupants of neighbouring property. The proposal is contrary to development plan policy. 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.

### **Decision**

The application is refused

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

1. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 because the proposed house would result in an overbearing presence which would adversely impact on the residential amenity of the occupants of neighbouring property by virtue of the location and scale of the proposed house.
2. The application is contrary to policies TC2, DS1 and DS4 of the Angus Local Development Plan 2016 as the proposal would not provide a satisfactory residential environment for the occupant(s) of the proposed dwelling as its private garden ground would be overlooked by windows, including first-floor windows, of neighbouring property to the south.

### **Notes:**

Case Officer: Fraser MacKenzie  
Date: 18 January 2021

### **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 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>)

NOTES:-  
 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.  
 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.  
 ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.  
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.  
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.

**ITEM 2  
 APPENDIX 4**



**1 BOUNDARY TREATMENTS**  
 1 : 100

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
BOUNDARY TREATMENTS		SCALE: 1 : 100 @ A1	
		DR No: PL-05	
		DATE: 01.10.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

**ITEM 4  
APPENDIX 4**

NOTES:  
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE FOR CONSTRUCTION PURPOSES.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



1 EAST ELEVATION  
1 : 50



2 NORTH ELEVATION  
1 : 50



3 WEST ELEVATION  
1 : 50



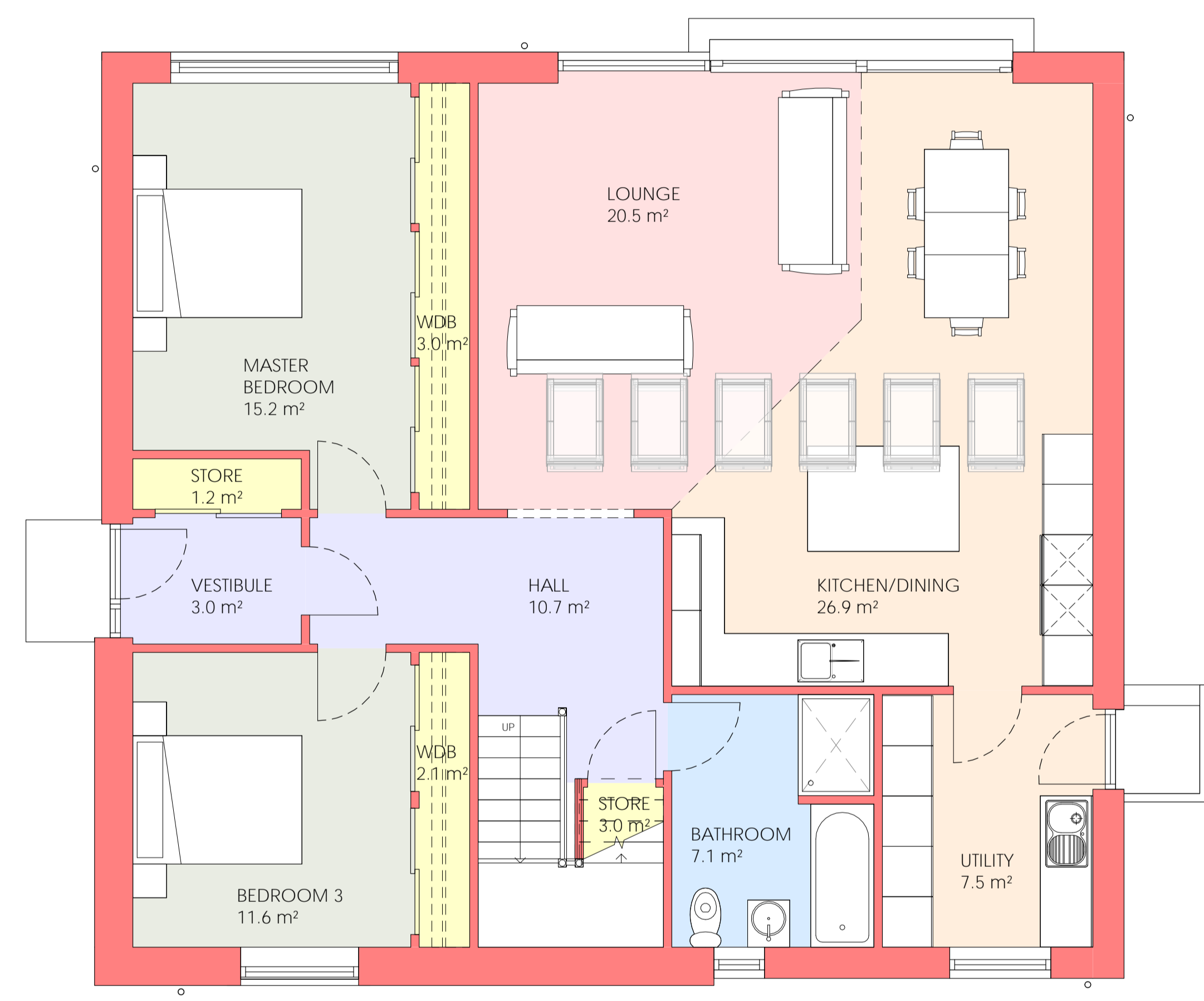
4 SOUTH ELEVATION  
1 : 50

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
PROPOSED HOUSE ELEVATIONS		SCALE: 1 : 50 @ A1	
		DR No: PL-04	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

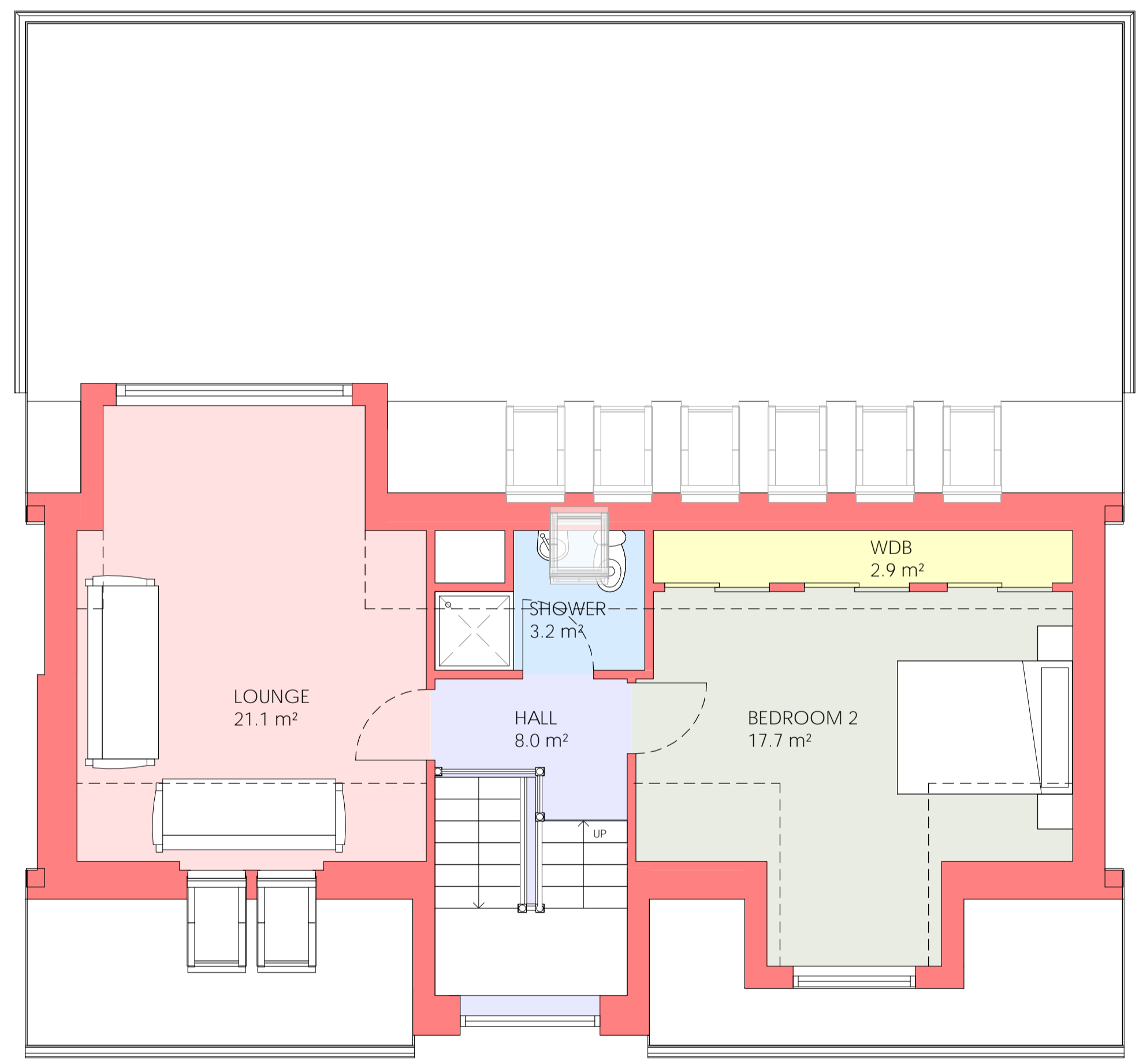


NOTES:  
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**ITEM 4  
 APPENDIX 4**



**1** GROUND FLOOR PLAN  
 1 : 50



**2** FIRST FLOOR PLAN  
 1 : 50

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
PROPOSED HOUSE PLANS		SCALE: 1 : 50 @ A1	
		DR No: PL-02	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	





**NOTES:-**  
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**ITEM 2  
 APPENDIX 4**



**1 SITE PLAN WITH WINDOW DISTANCES**  
 1 : 200

0m 4m 8m 12m 16m 20m  
 VISUAL SCALE 1:200 @ A1

FRONT DOOR

BEDROOM WINDOW



IMAGE A - 32 PITAIRLIE ROAD HOUSE ELEVATION LOOKING SOUTH TOWARDS NEW PLOT

WINDOWS CURRENTLY BEING REMOVED UNDER PERMITTED DEVELOPMENT

ROOFLIGHTS TO BEDROOMS

ROOFLIGHTS TO BEDROOMS

KITCHEN WINDOWS

KITCHEN WINDOWS



IMAGE B - 34 PITAIRLIE ROAD HOUSE ELEVATION LOOKING NORTH TOWARDS NEW PLOT

BEDROOM WINDOWS

STAIR LANDING WINDOW  
 UTILITY WINDOW

KITCHEN/DINING DOORS

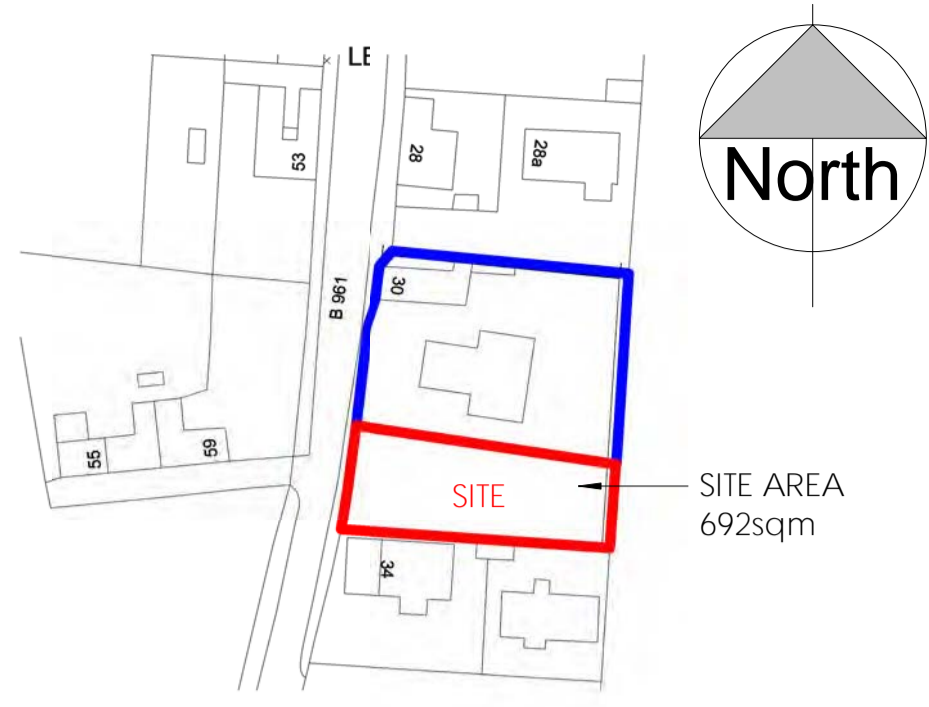
TOILET WINDOW



IMAGE C - 34A PITAIRLIE ROAD HOUSE ELEVATION LOOKING NORTH TOWARDS NEW PLOT

**2 EXISTING IMAGES**  
 1 : 1

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
WINDOW DISTANCE PLAN AND ADJACENT PROPERTY ELEVATIONS		SCALE: As indicated @ A1	
		DR No: PL-03	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	



1 LOCATION PLAN

1 : 1250  
 0m 25m 50m 75m 100m 125m  
 VISUAL SCALE 1:1250 @ A1



2 LOCATION PLAN

1 : 2500



3 EXISTING SITE PLAN

1 : 200

NEW FOUL DRAINAGE CONNECTION TO PUBLIC SEWER  
 NEW VEHICULAR ACCESS  
 NEW HOUSE

NOTES:  
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**ITEM 2  
 APPENDIX 4**



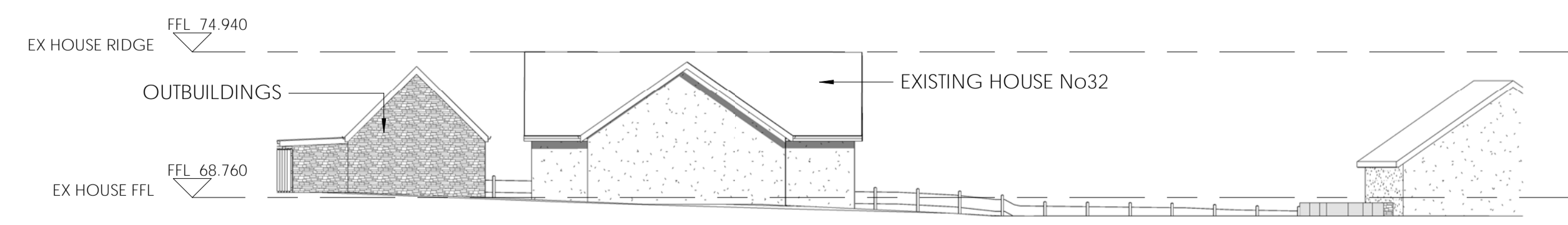
5 PROPOSED SITE PLAN

1 : 200



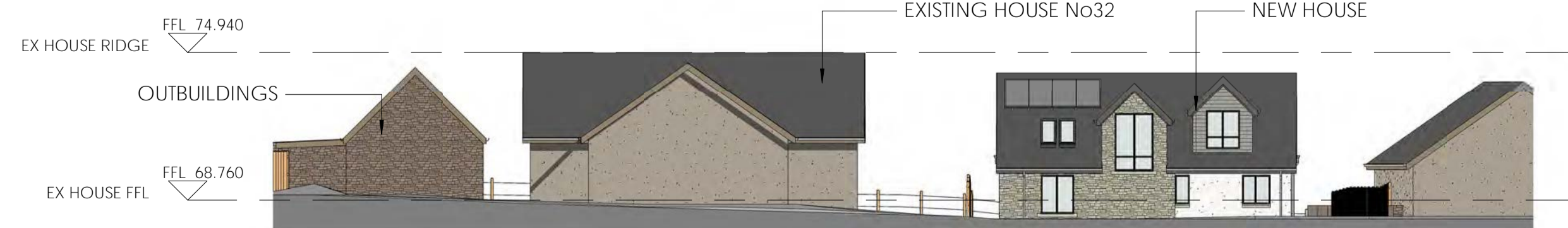
7 IMAGES

1 : 1



4 EXISTING STREET ELEVATION

1 : 200



6 PROPOSED STREET ELEVATION

1 : 200

0m 4m 8m 12m 16m 20m  
 VISUAL SCALE 1:200 @ A1

Rev	Date	Description	Initials
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS			
DRAWING TITLE		JOB: 0256	
SITE LOCATION PLANS, SITE PLANS AND STREET ELEVATIONS		SCALE: As indicated @ A1	
		DR No: PL-01	
		DATE: 17.09.2020	
PROJECT		PROPOSED NEW HOUSE WITHIN GARDEN GROUND 32 PITAIRLIE ROAD, NEWBIGGING, ANGUS	

ITEM 2  
APPENDIX 5





## **APPENDIX 3**

### **FURTHER LODGED REPRESENTATIONS**

Ref: 20/00734/FULL

Response to the Appeal Statement of Craig Chapman, prepared by Suller and Clark (S&C) Planning Consultants.

By Rosie Furness, neighbour, resident at Crofts Cottage, 34 Pitairlie Road, Newbigging, DD5 3RH

I listed my Objections in 'shortform' text online, as I believed I had only 2,000 characters available. For brevity, I used numbers to identify the buildings involved. '32' is Mr. Chapman's and '34' is my house. I am identifying '32a' and '32b' as the twin ruined cottages. 34B is the house east of 34. There is no 34A. I have additional comments to make in response to the Appeal, but I maintain my position of Objecting to the proposed siting of the house. I also have positive comments which I hope will help the resolution of this case.

### **Errors in the Appeal Statement**

The absence of page numbers makes navigating the contents very difficult.

I refer to specifics by numbering pages from the title page, and counting text lines.

There are many unnecessary repetitions. Emphasis in red does not alter the veracity or otherwise of statements.

I rely on those trained in Planning Process to deal with the technical detail. I consider that if guidance has not been officially superseded it is still valid, and there is no justification in watering it down. (Eg Policy Advice Note 14: Small housing sites)

S&C Consultants request 'de novo' judgement, but relevant history of the site and the process to this point needs stating to understand this case.

Page 4 line 36 & Page 20 line 32: 'Kitchen' is a kitchen and dining room: a social hub. This room is repeatedly undervalued.

Page 6 line 22: 'stone retaining wall'. This is a boundary wall, not a retaining wall.

Page 11 line 8: 'proposal for a similar single house' implies only one previous. Two further designs were proposed, both of which were withdrawn within the consultation period. Objection has been strong in the context of initial building guidance regulation breaches.

Page 11 line 32 & page 14 line 16 & page 16 line 5: 'proposed house.. at the centre of the plot' It is not at centre. It is at the East end of the plot, where the ground is narrower between properties.

Page 12 line 2: 'minimise any impact' This proposal will not 'minimise any impact'. It will block all direct morning light to 34's kitchen and dining room.

Page 12 line 19,20: 'sustainable urban drainage systems' - SuDS - is this one or two systems?

Page 13 photo: 34 is shown in the drawing without the gable end bedroom window, which is highly relevant.

Page 13 lines 7,8,11: the phrase 'no change' is false. All these instances involve great change. A large car park and drive would replace garden to the north of 34, and the ground floor views north from 34B would be compromised by a proposed 1.8 metre fence.

Page 13 line 19: 34A should read 34B. There is no 34A.

Page 14 line 19: 'Any development will ensure that there is no impact on the existing mutual wall.' Since this application commenced there has already been damage done to the existing mutual wall. Fencing has been erected, without notice or discussion, and bolted into the fabric of a boundary wall that is 120 years old, in need of repointing, and of not being inappropriately loaded, especially in a place which experiences high, sometimes

gale force, wind speeds. This fence needs to be taken down, and the uprights sunk and postcreted in correctly, independent of the wall, and remedial repointing done.(See below, page 3 line 20)

Page 14 line 21,22: 'north elevation of 34 [ground floor] does not benefit from a great deal of natural light due to the north orientation' false. From Spring to Autumn there is direct morning light and some direct evening light entering this room. Morning light is most important for kitchens and bedrooms. The current owners of 34 obtained planning permission from Angus Council several years ago and increased the size of the kitchen/dining room window to improve the light situation.

Page 14 line 36,37: 'It is our intention to install a new soakaway for the new property' Is this a SuDS?

Page 15: lines 29,30 "a small primary school... under capacity... will benefit from new development." If the new resident is an older relative, how will Newbigging School therefore benefit in this instance?

Page 15 line 27: 'identified town boundary of Newbigging'. Newbigging is a rural village.

Page 16 line8,9 and Page 16 line35 and Page 22 line2: 'protect/maintaining the amenity of the neighbouring properties/existing residents/ without loss of amenity to the existing residents'

This proposal is a loss of amenity. Neighbouring residents chose a village to enjoy open sky and countryside views and not urban-style developments.

Page 20 line 29: '34 - a single storey cottage with rooms in the roof space' and 'the upper floor rooms are lit by roof lights only'. Number 34 is in fact a 1.5 storey house, with an east-facing first floor bedroom window on its gable end, and a dormer window to the south.

Page 21 line 2,3: 'this area will remain as garden ground, albeit associated with the new house, therefore there will be no change.' False. It will be almost half driveway, with space for four vehicles with headlights. And with driveway and security light illumination it is for an elderly resident.

Page 21 line 28,29: 'existing house has a private sewage system, the proposed house will include a similar system.' Elsewhere (Page 14 line 38) needs clarification: 'Foul drainage will be a connection in the public sewer.' This again needs clarification. Is it Public or private? If private, where will it be sited? Again this lacks clarity. Has consideration been given to intermittent electrical pump noise, odour, and flood risk caused by a private system?

### **Drainage:**

First, The tone of the Appeal does not reassure me that drainage issues are being treated seriously enough. I therefore object to this development. The surface level of the build plot needs returning to its original height (see history below) level with the ground on the south side of the boundary wall (NOT a retaining wall). The build then excavated, with a proper retaining wall between 32 and the proposed new build.

If, in the future, a flooding or water-logging situation occurs under my core cottage – which has old-fashioned timber joists and void foundations – this will compromise my whole house, with damp, rot and mould issues. This would be prohibitively expensive and difficult to solve, leading perhaps to an expensive lawsuit against the owners, or the builder, or Angus Council, for letting it through as it stands. This is why I am emphasising that drainage must be competently assessed and addressed at the planning stage and not left to building control.

Page 3, line 6: The Suller and Clark Appeal document requests a 'de novo' consideration. However, this Planning Application still needs to be understood in its historical context, otherwise errors of the past will be compounded. This site has become more and more compromised over time, with 34 compromised by 32. I want to be absolutely confident that my property will not be adversely affected or undermined.

This proposal should remain Refused until a plan for the WHOLE site at 32 can be presented.

### **History:**

House numbers 38, 36, 34, 32a and 32b Pitairlie Road, Newbigging were all built in the 1890s as smallholdings, on the north boundaries of all their plots, to maximise garden produce, on gently sloping south-facing land. Title deeds prove the boundary wall was originally built by the first owner of 34, with the cost shared with cottagers 32a and 32b. It is therefore jointly owned and should only be altered by joint agreement of both households on either side.

In approximately 1980, the new 32 was built, by its first owner, who sold on before resolving the future of the original twin cottages 32a and 32b. The second resident family similarly had no funds to complete work on the cottage ruins, house, garden or drainage. Mr Chapman, I believe, having improved the new bungalow to a good standard, now intends to resolve the cottages and build a second dwelling, which will improve the whole site. However, his bungalow benefitted from the use of earth-moving diggers, creating an elevated house promontory, with a steep bank or breeze block wall between it and the lower, artificially levelled lower garden. This was achieved by piling surplus soil against its southern boundary wall. This is a traditional double wall with infill, and NOT a retaining wall. Ferns and mosses growing on its south side, indicate that the core is permanently damp or wet. Moss growth indicates damp ground between it and the north wall of 34.

Suller and Clark repeatedly state that 34 'sits lower' but, more accurately, 32 was artificially raised. This has serious implications for drainage from both properties. 34 and the proposed new build both sit lower than the public road, which has been elevated over time, and they cannot benefit from the road drains. Their Appeal document doubts a flooding problem exists. However the evidence and records exist.

In approximately 2015, the mains of the ruined cottage 32a burst, unnoticed by the owner. Water gathered, inches deep, on the 'playing field' area, and would have progressed under the wall and under our property without our personal intervention. My husband and I, and a neighbour at 38, together effected an emergency repair. There was no sign on their drive that it was happening, the water was running underneath it. I called in Scottish Water, and their representative took an on-the-spot sample to double check that it was mains water, not sewage.

The drainage is also concerning because after significant rainfall, water runs in a rivulet through an evidently vulnerable part of the boundary wall from 32 into our back garden, and also through into our wood barn. It was re-roofed several years ago. It is not due to a faulty roof.

### **The position of the new build**

This proposed fourth version of the planning application shows it in a radically new position, with a huge front car park. It cannot reasonably be called a garden, as it is almost 50% hardstanding. In this position the new house will form an 'echo chamber' with the two other buildings (32 and 34) and with the hard driveway, amplifying road and traffic noise. This would not be of benefit to any of the residents in all three properties.

Locating the house further west towards the road, parallel to the proposed northern boundary, will place bedrooms appropriately together, allow a portion of the back garden to be private and not overlooked, and frees up the open aspect to the east for morning light to 34's kitchen, dining room and east-facing first floor bedroom, and 34B's back garden aspect and openness. 34's twin veluxes on its first floor landing would look onto the new build's green roof. I believe the distance from 34's west first floor bedroom veluxes would be 8-10metres from the new build front bedroom window, IF it is positioned sufficiently close to 32.

The current plan diminishes the amenity of the owner's house, if two major south-facing windows are to be blocked up. This would not be essential.



The shorter driveway will still allow for plenty of parking and turning space.

The back garden will be safe and quiet from the very busy road.

It will once again have reduced impact on 34, 34B, and benefit from a much-improved garden.

### **Lighting Considerations**

The current proposal to 'centre' the new house will not minimise the impact on its neighbours for 4 reasons.

1. Morning light will be blocked from the kitchen/dining room of 34
2. Southern light will be removed entirely from 32s main living room and kitchen/dining room.
3. Fencing between 32 and 34 would need to be solid to block light pollution from vehicles and driveway illumination, further diminishing the light and amenity of 34's kitchen and dining room.
4. The east gable end window of 34 will lose morning light and its open aspect.

### **Further Comments**

I have lived in the village of Newbigging for 20 years and I consider myself a very active member of the community. I am living here as a single person and I have sought advice from friends with experience.

I was surprised to read your comments in a planning application relating to these friends.

Supporters may be local friends or relatives of the Applicant, but are not villagers. Villagers are not supporters or objectors as they are not prepared to risk getting involved. Objectors are close relatives or friends of the single occupying owner of number 34, either with planning experience, long-term knowledge of Number 34 over 20 years of visiting, or both.

Since Mr Chapman's first public Planning Application notice, the only other house which is seriously impacted by this proposal, 34B, has now been put up for sale.

This proposal should remain refused until a plan for the WHOLE site at 32 can be presented.

Newbigging is a rural village, which benefits from open views of the countryside and from well thought out planning applications.

## Jane Conley

---

**From:** [REDACTED]  
**Sent:** 30 March 2021 21:12  
**To:** ForsythSL  
**Subject:** Re: Application for Review - Land South of 32 Pitairlie Road Newbigging

Good afternoon Sarah

I would like to add to my previous comments in regards to the support of the house build adjacent to 32 Pitairlie Road, Newbigging.

My husband and I are the prospective occupation of the proposed house build. As we approach retirement, my husbands health is not the best both physically or mentally. Moving into this house (which will be a very sympathetic build to the exciting neighbours) will allow us to be close to our daughter and son in law who will help us with any care needs in the future.

In addition I currently help care for my teenage grandson who lives at 32 Pitairlie Road who suffers from a very painful physical condition which has also caused him significant mental health which have both needed medical intervention.

We as a family wish to continue to support each other. This in turn teaches the next generation of our family the importance of positive nurturing relationships.

My husband and I do not think it is unreasonable by any means to build a house on this substantial plot of land which is too big to manage as a single garden. My daughter and son in law both work full time and will still have a large enough garden left to manage.

We do believe that putting a house on this plot of land will compliment the area of Newbigging which already has a mixture of old and new houses of varying styles.

We look forward to a favourable decision going forward in this process.

Kind regards

Pat and Bill Chapman

Sent from my iPad

On 18 Mar 2021, at 09:35, ForsythSL <ForsythSL@angus.gov.uk> wrote:

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure)  
(Scotland) Regulations 2013

Application for Review – Refusal of Planning Permission for Erection of House with  
Associated Parking, Garden Ground, Landscaping and Boundary Enclosures at Land  
South of 32 Pitairlie Road, Newbigging – Mr C Chapman  
Application No 20/00734/FULL - DMRC-3-21

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. These should be sent directly to me.

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)  
| [www.angus.gov.uk](http://www.angus.gov.uk)

Follow us on Twitter

Visit our Facebook page

Think green – please do not print this email

<Appendix 2 Decision Notice.pdf>

45 Riversdale Road  
Edinburgh  
EH12 5QY

April 1<sup>st</sup> 2021

Sarah Forsyth  
Committee Officer  
Angus Council

### **Application for Review - Land South of 32 Pitairlie Road Newbigging**

Dear Ms Forsyth,

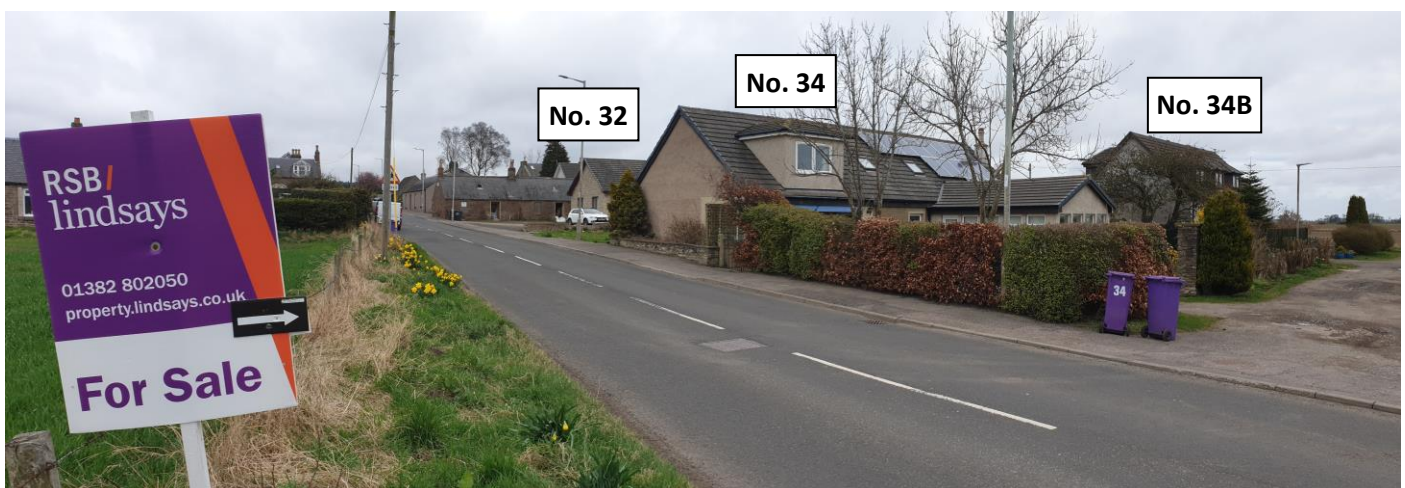
Thank you for inviting me to lodge further representations regarding the pending review for 32 Pitairlie Road. In respect of the time of all concerned I will be as brief as I can. I have illustrated my response with photos given that a site visit is difficult under current restrictions. I'll start by referencing the Appeal Statement at the top of page 6:

*Further, while it is accepted that all representations are valid, it is also reasonable to note that many of the objectors are not local to the area with one received from Dundee and one from an Edinburgh address.*

I am the responder with the Edinburgh address referred to above. I have known the current occupant of 34 Pitairlie Road for 34 years and have been a regular visitor to that address since 2001 and following its renovation and development. I also share something in common with the appellant since I have personally applied for planning permission to build a house in a developed area. But as noted in my previous representations, the way I went about that was in stark contrast to the approach taken so far by the appellant in this case. And so, despite living in Edinburgh, I think I am unusually qualified to make representations in this case compared to typical members of the public. Continuing from the Appeal Statement:

*It should further be noted that the majority of representations were supportive and all of the letters in support were received from local residents.*

Fortunately, planning consent is not a popularity contest. The supporters are not local villagers directly impacted by the development. It is disappointing that more neighbours directly affected have not commented. The reasons are complex and relate to village life, where no one wants to be involved in conflict. To date, the second most impacted neighbour, No. 34B has not made any representations. However, this photograph, shows what followed the initial planning application in March 2020 in that shortly after, No. 34B was put up for sale.



It is undoubtedly the case that further development at No. 32 will reduce the value of both No. 34 and No. 34B and this application may have triggered the sale of No. 34B prior to construction starting.

It is never easy for a neighbour to summon the courage to object to the dreams of another neighbour who will continue to be a neighbour after the fact. This barrier can be easily overcome if the applicant extends the common courtesy of consulting those most impacted. This is what I did successfully in Edinburgh before submitting a formal plan.

Unfortunately, in this case, the applicant, now appellant, chose not to inform his closest affected neighbour Ms. Furness at No. 34. The notification of a planning application came as a complete surprise and shock. After brief consultation with other affected neighbours, Ms Furness approached the appellant in a very non-threatening way to propose some discussion of the plan. Unfortunately, the response was sufficiently negative that all subsequent contact has been through official channels via the Angus Council planning process.

The lack of further representations from the most impacted neighbours should also be understood by comparing the photograph on page 9 of the Appeal Statement (left below) with ones taken on 31<sup>st</sup> March 2021.



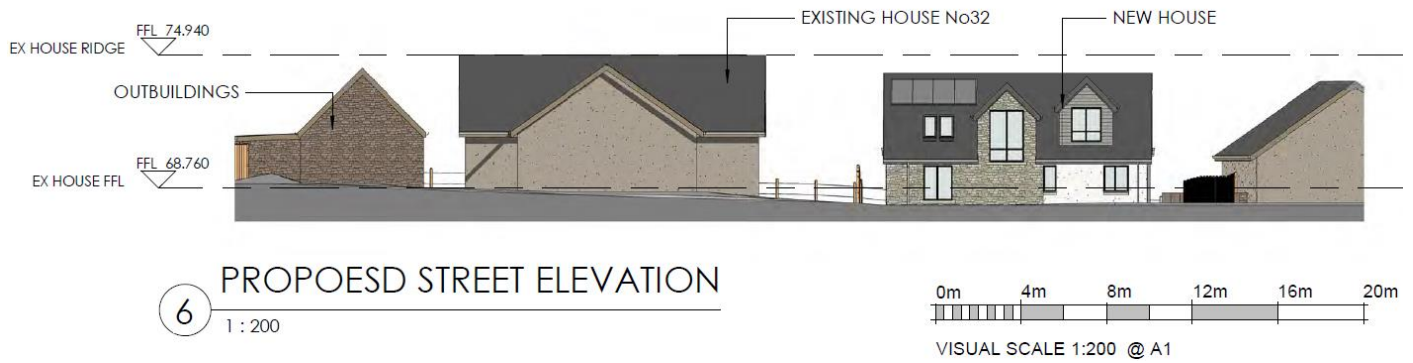
Immediately after planning permission was refused on 25<sup>th</sup> January 2021, the van belonging to the appellant's company, CSC Interiors, was parked as close as possible to the boundary with No. 34 directly opposite the window of the kitchen dining room. What interpretation should be made of this act, and what impact is it having on those who may have already been reluctant to make representations to the council?

So, despite the low number of objectors and apparent high number of supporters, I want to stress to the Planning Review Board, that in light of the appellant's failure to reach out to neighbours, and subsequent acts like the parking of the van, the PRB may not be fully aware of how the local community view this application. The appellant has been politely asked to remove the van, which has remained there for over two months since 27<sup>th</sup> January causing needless distress at No. 34, but unfortunately at the time of this writing, it remains. I understand that the task of the PRB is to review the merits of the application and not the behaviour of the applicant, but in this case I think that behaviour is having a material negative impact on the information the PRB has available upon which the case will be decided.

Another key point to make is that there has been a history of development at No. 32 which has increasingly impacted the amenity of No. 34. The original plots were small holdings on a south facing slope with cottages on the north boundaries in order to maximize south facing land. The original cottages of No. 32 have been allowed to fall into ruin, and around 1980, with the derelict cottages remaining, the current house was erected, significantly reducing the distance to No. 34. In order to create a children's' play area, the previous owner of No. 32 flattened the gradual slope towards No. 34 by raising the level of the ground on the north side of the boundary by around 600 mm. This turned the shared stone boundary wall into a retaining wall which was not its original purpose. Since then, No. 34 has observed the lower part of the south side of the wall is mossy and damp, and after heavy rain, water is seen to pool on the south side of the wall and flow through the stone shed as seen in the picture right. The original No. 32 site consisted of a large naturally draining field on a gradual slope. Should the current plan be approved, the vast majority of this original land between the old cottages and No. 34 will be covered by housing and hard standing. A compounding factor is that No. 34 is already sitting well below street level due to modern road works. For all these reasons it is requested to include a full analysis of the surface water drainage of the current and proposed development before a planning decision is made, rather than waiting until this aspect of the design is considered by building control. It has also been noted that the well in No. 32 has on occasion been observed to be very full indicting a high water table.



Perhaps the clearest evidence of the impact the proposed development will have on No. 34 can be seen from the west elevation:



Both the 1980 development and the proposed development can be seen to have significantly compromised the amenity of No. 34. Had the ruined cottages been properly dealt with previously, maybe there would have been room for two houses on this site, but this is unfortunately not the case. Note that this elevation fails to represent the finished floor level of No. 34, disguising the actual height difference which is critical to surface drainage. If the proposed new house were to match the FFL of No. 34, the risk of flooding would be substantially reduced. That's why this issue needs to be resolved at the planning stage and not left for building control to solve.

From page 13 of the Appeal Statement, I quote the following:

*In terms of proximity and impact on neighbouring properties, this has been very carefully considered in developing the current proposals. A plan has been provided which demonstrates window to window distances and confirms the following:*

*34 Pitairlie Road-*

- *kitchen open views over front garden area, no change from current situation*
- *Utility room- open view to front garden- no change from current situation*

Note, the emphasis using red text is in the original and not added by me. To test the veracity of the red text, consider these two photographs of the March 2020 and current views from the kitchen dining room window of No. 34:



On the left is the primary view from the only window of No. 34's kitchen dining room. Note here that it is a kitchen dining room, the hub of the house, and not just a kitchen as incorrectly described six times in the Appeal Statement. This view looking north and west provides the only primary light into the kitchen dining room. On the right is the current view which has been compromised by the unilateral actions of the appellant, firstly through the erection of a fence bolted to a shared wall, and secondly, further blocking of the view and light by the parking of the appellant's company van.

Should the proposed plan be approved, the van would be replaced with the southwest elevation of the new property. The Appeal Statement describes this as:

*kitchen open views over front garden area, no change from current situation*

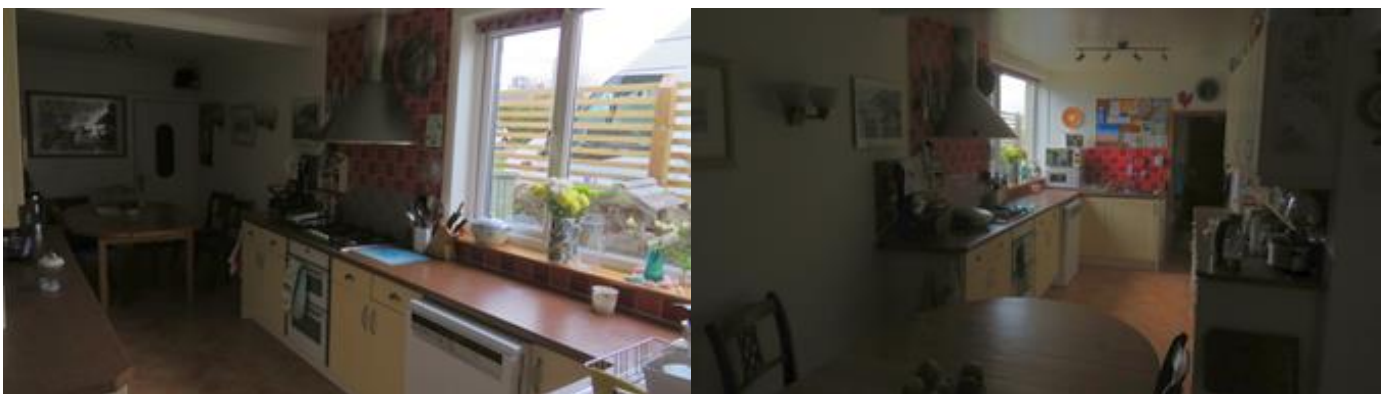
This is a gross misrepresentation of the impact of the proposed house on No. 34.

After No. 32 was built around 1980, there was reduced privacy towards No. 34. This was not a problem for many years since shrubbery was planted near No. 32 to restore the privacy. However, some time ago the appellant removed all the shrubbery. Privacy has been temporarily “restored” by the insensitive parking of the appellant’s company van.

Another unilateral act by the appellant was to erect, without seeking permission from No. 34, a 1.8 m fence. This has been crudely bolted into the 120 year old wall rather than being properly constructed as a free-standing structure. As already described, the wall has already been compromised by the raising of the ground level by No. 32’s previous occupant, so the additional stress created by bolting a fence to the wall significantly increases the load on the wall in strong winds risking that the integrity of the wall is breached. There is history here. A previous fence erected by the appellant along the street boundary, and without planning permission, was blown down by strong winds and ordered to be removed by the council. This is another example of the appellant’s insensitivity to the impact of his actions on his neighbours.



The Appeal Statement describes No. 34 as “already compromised” no less than four times. This is taken as justification that additional compromise by the new development is somehow justified. How so? Surely the correct way to treat the compromised predicament of No, 34, all of which has been caused by developments at No. 32, would be to do no further harm to compromise its amenity? An indication of the importance of this single window to what the Appeal Statement describes as an already compromised kitchen can be seen in these two views from the east and west ends of the kitchen dining room.



Here we can clearly see the importance of the single window with its morning light, to the amenity of this kitchen dining room, and why any further compromise caused by the current plan is not acceptable. Planning permission to add a second window in the dining area was approved by Angus Council as part of another development but was not built at that time and has since lapsed. However, this precedent does indicate the opportunity to improve, not further compromise, the natural lighting in this hub room of No. 34.

Here are some further views of the site which I hope will be useful to the PRB in making their determination.



The derelict cottages on the site of No. 32 that have remained unaddressed through three owners.



Views emphasising the artificial height difference between the plots, which used to not exist, and how much lower than the road No. 34 is set.



View of No. 32 from No. 34's kitchen dining room window after the appellant removed all pre-existing shrubbery planted by the previous owner to provide privacy. This also shows the south facing windows of NO. 32 that would have to be removed if the plan were approved.





View of No. 32 and the derelict cottages behind from dormer window of No. 34.



View looking north east from bedroom of No. 34 which will be partially blocked by the siting of the new house and will overlook the proposed garden.

There is no outright rejection of the potential to develop No. 32, but the way in which the process has unfolded has been unacceptable and had negative consequences at least for No. 34. Considerable time and has been spent in developing and reviewing plans which has led to this appeal, which I understand is to be final. Despite the claims made in the Appeal Statement that the current plan has been optimized to minimize the impact on the surrounding properties, it appears to me at least, that the current siting has unfortunately maximized the impact on all three properties. The impact of increased road noise with the proposed siting for both No. 32 and No. 34 should also be considered as it would create a hard reverberant space in front of the new building with No. 32 to the north and No. 34 to the south. I appreciate and said in previous representations that a lot of work has gone into the design, which is considerably improved from the first application, but in tis current form it is not yet acceptable.

It was suggested in my last representation that a less intrusive approach would be to move the new house back towards the road as in a previous application. This would avoid the need to remove windows in No, 32, maintain the open vista and light into the kitchen dining room of No. 34 and significantly reduce the impact on No. 34B. An additional possibility is to site the driveway to the south of the new property, increasing the distance to No 34 at the expense of proximity to the appellants property at No. 32. Given the appellants offer to compromise his own property by removing south facing windows, this may be an alternative approach to consider.

To summarize my comments, I think before the possibility of overturning the refusal is considered the following need to be addressed:

1. A thorough review of existing draining issues
2. A full study of proposed ground levels and a complete drainage design
3. The re-siting of the house as far forwards on the property towards the road as possible to minimize the impact on the three existing properties
4. The removal of the new fence bolted to the shared wall, accepting that the appellant can erect an alternative self-supporting structure is within existing planning guidelines
5. That in view of the actions and inactions of the appellant, Angus Council reach out once more to the impacted neighbours to determine if there are concerns that have not been voiced to fear of the consequences
6. Should planning permission be granted, the council take particular interest in how any development is carried out to ensure timely compliance with any and all requirements laid out by the council through the planning and building control departments – a good design is essential, but it has to be executed correctly as well.

Finally, I would like to address the appellant directly.

Craig, I can see you and I have a lot in common. I have had similar ambitions and been successful in carrying them out. I made some mistakes along the way and undoubtedly damaged some people around me due to my lack of awareness of how my actions and choices affected their situations. You are part of a village community which has its positives as well as its challenges. I think you will find that if you work collaboratively with your neighbours you are more likely to get what you want and with far less collateral damage than what has resulted with this planning application since last March. Your goals are not without merit, but your methods are counterproductive and have wasted considerable time and money of many people and caused needless stress.

I wish you well in your future endeavours and implore you to become more integrated with your immediate community. I think you will be pleasantly surprised at how much that changes things for the better.

Regards,

Moray Rumney.

## **APPENDIX 4**

# **APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS**



Sarah Forsyth  
Committee Officer Angus Council  
Issued by e mail to ForsythSL@angus.gov.uk  
23<sup>rd</sup> April 2021

Dear Ms Forsyth  
**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Erection of House with Associated Parking, Garden Ground, Landscaping and Boundary Enclosures at Land South of 32 Pitairlie Road, Newbigging – Mr C Chapman Application No 20/00734/FULL - DMRC-3-21**

We refer to the above-mentioned application for review currently pending consideration and to the additional representations from interested parties.

Firstly, and as confirmed by Mr and Mrs Chapman Senior's letter of support it is worth acknowledging that the proposed house is intended for use by the appellants aging relatives who are seeking a fully accessible homes in close proximity to family for support. This is of particular relevance in the current circumstances, where the ongoing pandemic has required families to support each other to a much greater extent. While not a planning matter this demonstrates the intention to supporting the local community bringing residents into the village.

With regard to the two further representations against the proposal, we do not intend responding in detail to all of the comments, as many are not material planning considerations or refer to the processes and procedures of the application and appeal, which to our knowledge have been undertaken in compliance with the appropriate planning regulations. Further, some of the points raised are a matter of opinion and therefore subjective.

Responding to the main areas of concerns:

Drainage - No comment or objection to the proposal was received from the Angus Council Roads Flood Team or SEPA. The Roads Service offered no objection subject to the attachment of a condition regulating driveway design to prevent discharge of surface water to the public road and an informative note regarding footway crossing construction standards.

To be clear any approved development will be subject to the required building control procedures, this is the appropriate and legally required process to ensure the structure of the house and associated facilities, including drainage are designed and constructed in compliance with all relevant building regulations. These regulations will ensure that any house is constructed appropriately with the required drainage system in place ensuring no detrimental impact on the neighbouring properties.

Ground levels - the proposal is based on current ground levels. As far as the appellants are aware there has been no ground raising, the site is simply sloping. As above, any approved development

will be subject to the required stringent building control requirements ensuring no impact structurally on the neighbouring properties.

Loss of views - there is no right of view under Scots Law. The representations refer to a dormer window in the north elevation of No.34, in fact the upper floor is served by a velux window on the north elevation. It is generally accepted that velux windows provide light to the accommodation space rather than outlook, the proposed development will have no impact on light to the velux window.

Loss of light - as detailed in the supporting statement the proposed house has been located at the centre of the site in order to minimise any impact on the closest neighbouring properties. As further detailed and demonstrated by the photos lodged as part of the representation, as with all north facing windows, the existing room does not benefit from a great deal of natural light. As further stated, the north facing window of No.34 is very close to the boundary with No.32, as confirmed in the representations, a hedge was previously in situ on the mutual boundary and could be again planted, this would have a much greater impact on light to the kitchen area than the proposed house. The proposed house has positioned to ensure that it does not sit directly in front to the existing window. Therefore, the views out of this window will remain open. However, if preferred the appellant would be happy to accept a condition securing an appropriate boundary treatment along this south boundary of the appeal site.

Use of appeal site - the land subject of the appeal site currently forms part of the garden of No.32, as such the resident can use this area as he sees fit, this includes parking, play area for children etc. The representations express concern that the proposed development will result in the area to the front/west of the proposed house could be used as a "large car park" if the appeal is allowed. To be clear, the land *could* be used as such, as part of the existing house without the benefit of any consent. However, the current proposal is for front garden area to the southern part of the appeal site with the parking located to the north.

Finally, as highlighted by the representation, Newbigging is an existing small rural settlement, in general planning policy directs new development to existing settlements such as Newbigging. Newbigging has developed organically over time with single homes and pockets of infill development, the proposal subject of the current appeal continues this development pattern. The appellant has worked with the architect to develop a scheme which minimises the impact on the neighbouring houses while making best use of this vacant plot of land within an established settlement.

It is submitted that the proposed house, subject of this the appeal, fully accords with development plan policies. There are no material considerations that justify refusal and as such we would respectfully request the appeal is upheld and planning permission granted.

Yours Sincerely  
**Suller & Clark**

## Appendix – Letter from Applicant

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■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

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karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
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Mob: 07930 566 336  
karen@sullerandclark.com

Dear Ms Forsyth,

I am writing to you today as the proprietor of No.32 Pitairlie Road.

Throughout this process I believe we have followed all due procedures. Preplanning was sought for a 1.5 story house in March 2020 which Angus Council met with approval, stating they could 'foresee no problems' with our plans as long as planning regulations were adhered to. We have thereafter altered the plans several times in line with the requests made by the planning department and also taking into consideration the concerns raised by the only local objector at No. 34. These plans were drawn up in conjunction with a local architect and we contracted a planning consultant.

Some comments have been passed with regards to our proposal to move the patio doors in the kitchen and the lounge window to allow us to move the proposed house nearer our own home in order to even further lessen the impact on No.34 however the doors were never designed to be in the South facing wall. The original house drawing has the patio doors on the far kitchen wall which is where we plan to relocate them. The open plan design of the interior of our home allows a significant amount of light to pass through it and I have absolutely no concerns about undertaking this work. We also sought clarification from the planning department at Angus Council and this work can all be undertaken within 'permitted development'.

Having read the most recent objections I was dismayed to see the planning process being used as a vehicle to both allude to spurious intimations about my family and also to directly address parties involved. Neither of which are what the process is for.

I have never met Mr Moray Rumney and given that by his own admission he couldn't travel to "visit the site" he goes on to talk about no less than 9 separate images of my property (which I'll assume as his letter also includes the inside of No. 34 were provided to him by one person) and he attaches negative

allegations or assumptions to each one. This echoes the behaviour we have been subjected to locally from the residents of No. 34 Pitairlie Road since we launched this process in March 2020.

Now, I have no intentions on being drawn into a tit for tat, as I have avoided this for a full year now however, I think it is only fair I dispel some of the claims which have been made.

The first point Mr Rumney makes is that it shouldn't be a consideration that the objectors were not local. They were not only not local, one in fact, was from Germany. I believe the dates should be considered here. Following our initial planning application in April whereby local neighbours were informed, we were notified of the final response dates for objections in accordance with Town and County Planning by letter.

What transpired was that not a single resident of Newbigging, other than Ms. Furness at No.34 placed an objection against our plans and I can only imagine this was to Ms. Furness' frustration given the efforts she had gone to locally to persuade other residents to place objections. After the final closing date for objections Angus Council accepted a flurry of overdue objections from a number of Ms. Furness' friends and family. I queried this at the time given that these objections had been placed out with the timescale and not from a single other Newbigging resident but was told they were each of merit. Each letter was similar in content and alluded to the impact on the residents at No. 34.

Mr Rumney makes damaging allegations that local residents failed to submit objections 'in fear' of a response from my family. The fact of the matter is our plans do not have an effect on any other properties in Pitairlie Road other than No.34 and No.34b and local residents therefore are simply impartial as it doesn't concern or affect them.

In Mr Rumney's second point he alleges supporters did not contain villagers from Newbigging. This is false. The address of one supporter has a clear line of vision to my home.

He goes on to say the owners of 34b have failed to issue any comment and implies that planning was the reason for the sale of their house. This is baseless and utterly ridiculous. As one of only 2 houses who may be affected by the build 34b were not concerned by the proposals which were discussed with them prior to launching the planning application or they would have entered an objection as they were perfectly entitled to do so. Throughout the process lots of weight has been added to the impact on the house at No 34b despite the proprietor himself having no desire to object to the plans. Mr Rumney has attempted to spin a narrative that the sale of a house which occurred 9 months following our first planning application despite never even meeting Mr Donald. As Mr Donald of 34b didn't place an objection or supporting statement at the point when invited he can now not enter a comment despite wishing to refute these statements made.

Mr Rumney alleges the erection of a fence along the boundary wall was some sort of act of aggression despite it being built with spaces in between the slats to be respectful of Ms. Furness' reported issues with lighting, a long-standing issue by her own admission. Since March 2017 No.34 Pitairlie Road has been used as an Air BnB rental which I have no issues at all with but we are perfectly entitled to erect a boundary fence to allow us and our children privacy within our own private garden. This fence was also constructed shorter than the permitted height (not at 1.8m as claimed) as cognisance was given to the elevation of the garden at No.32 so it was built to match the height of the garden fence at No.34 – it's worth noting No.34 have a fence to offer their garden privacy along this same boundary wall. Our fence was erected at the end of July, a full 3 months after residents were invited to place comments on our initial plans. If this is the basis for the tone of Mr Rumney's allegation that local residents are fearful to make comments then he overlooked the timings.

My husband's van was moved off of our main driveway in January to allow us to begin landscaping work which is now underway on our front driveway. While this work is progressing, the other cars are to be parked on the lower garden too, the lower garden previously had a lowered kerb and has vehicular access from the



pavement which offers the convenience of not filling up the street with 5 vehicles.

There is yet further mention of flooding, this time with blame placed at the feet of No. 32 which seems bizarre given the only evidence of any flooding stems from a burst water pipe, an event which reportedly occurred in 2015 before we even owned the house. The allegations of natural flooding continue to be repeatedly refuted with no evidence of such, and evidence from the authorities that this simply isn't the case.

Mr Rumney states the view of No.34 will be affected. It is accepted that the view of No.34 will be affected however, it is a view of my private garden and having a view of a private garden affected is not due cause for a planning application to be declined.

Mr Rumney further discusses the derelict cottages in the grounds of No.32, including photographs, this is entirely irrelevant. At which point are taking photos of parts of my home, garden and the site which has been under development since we moved in and which are not subject to the proposed plans simply an intrusion of our privacy?

Finally, It's quite clear Mr Rumney's response has been a collusion and written to manipulate the review board and paint a poor picture of my family. In addition Mr Rumney has spoken on behalf of residents he hasn't met, in a community he isn't even a part of and I hope this response helps to provide some context to the negative suggestions which have been issued, quite simply, as an abuse of the planning process. I thought it only fair to address them despite the fact very few of the points pertain directly to the planning application or regulations.

Many thanks for your time,

Kind Regards,

Gemma Chapman