

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 16 AUGUST 2022

PLANNING APPLICATION – OVER AUCHENLEISH GLEN ISLA PH11 8PN

GRID REF: 319588 : 760336

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

**Abstract:**

This report deals with planning application [22/00289/FULL](#) for the erection of a first-floor, flat roofed, glazed extension, built on the remaining walls of a disused outbuilding in the garden ground of the dwelling at Over Auchenleish, Glen Isla, Blairgowrie by Mr Neil Jackson. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the condition given in Section 10 of this report.

**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. INTRODUCTION**

- 3.1 Planning permission is sought for the erection of a house extension at Over Auchenleish, Glen Isla. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The property subject of the application site is a detached, single story, traditional cottage. It is of stone construction with a combination of slate and metal sheeting roofs. The applicant controls land to the south/ southwest that contains mature woodland, and paddock to the north/ northwest. A dwelling known as Newlands sits immediately to the east of the application property.
- 3.3 The proposal is for the erection of a flat-roofed, glass and aluminium walled extension that would be constructed above a stone walled car port. The resultant extension would appear as a glass and metal box at first floor level. The extension would provide a working space, while the structure beneath would become a covered car port.
- 3.4 The application has been subject of statutory neighbour notification.
- 3.5 The application has been varied to reduce the height of the roof and to introduce window screening on the east elevation.

#### **4. RELEVANT PLANNING HISTORY**

There is no planning history which is relevant to the current application.

#### **5. APPLICANT'S CASE**

- 5.1 The applicant's agent has provided four supporting documents that are available to view on the Council's [Public Access](#) website. These comprise a two-part supporting statement and a two-part response to objections.
- 5.2 The supporting statement provides a background on the applicant, who is a professor in architecture and an author of books on modern steel structures. The second part of the document offers a justification for proposing a contemporary intervention to a traditional building and provides a design summary. It is stated that whilst the east end of the house is traditional with a slate roof, there is aluminium cladding on the west end of the roof and large triangular windows in the gable end. It is suggested that the proposed use of aluminium cladding and glass walls would contrast with, and complement, the existing building.
- 5.3 The response to objections is accompanied by a photographic survey and a plan showing the location of photographs. The response clarifies that the design does not seek to be "in-keeping" with the vernacular buildings in the area, but rather to respect the old, through its scale and use of materials, while adding something of our time. The placement of the proposed addition does not interfere with the existing, piecemeal arrangement of buildings, but adds to them. The proposed addition is designed to float directly above the footprint of a now roofless vernacular structure, its floor area matching that of the older building. The height of the proposed addition is designed within the constraints of the existing buildings and sits below the overall massing of the building grouping. In terms of impact over the landscape, it suggests that Over Auchenleish forms part of a small and fairly enclosed building group, set back by one field from the road. Due to thick tree-planting and neighbouring buildings, it is not visible from most directions and therefore the impact on the surrounding area will be very limited.

#### **6. CONSULTATIONS**

- 6.1 **Angus Council – Roads** – has no objection.
- 6.2 **Scottish Water** – no comments received.
- 6.3 **Community Council** – no comments received.

#### **7. REPRESENTATIONS**

- 7.1 6 letters of representation have been received. The letters are provided at Appendix 2 and can be viewed on the council's [Public Access](#) website.
- 7.2 The following concerns have been raised in objection to the proposal and are discussed under Planning Considerations below: -
- Adverse impact on amenity of neighbouring property and the wider area, including through overlooking and light pollution
  - The design of the structure is large, it is too high, overbearing, not in keeping with the local vernacular architecture, and not suited to the rural location
  - The glazed structure would be a hazard for the local wildlife, especially birds

#### **8. PLANNING CONSIDERATIONS**

- 8.1 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.

8.2 In this case the development plan comprises: -

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The ALDP provides the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 3.

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

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

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

8.6 The upper floor glazed extension would be in the region of 20m from the closest neighbouring building that is not in the control of the applicant and that distance exceeds design guidance requirements that seek to safeguard privacy and amenity. The proposal has been amended to provide aluminium curtain wall louvres on the elevation that would face a window in the neighbouring property and that would provide some screening. However, the closest neighbouring property has extensive private amenity space that would retain a high degree of privacy. The resultant relationship between the extension and neighbouring property would not be unusual and would not be such that it would be likely to give rise to unacceptable impacts on privacy or amenity.

8.7 The building is not subject of any architectural or historic designation, and it is in a rural area where a variety of building styles are characteristic of building groups. There are a variety of buildings styles in the wider Auchencleish area. The property is some distance from the public road, and it is partially screened from public areas by intervening landscape. The design statement identifies an ambition to provide a modern structure and explains the rationale behind the approach taken, which includes a desire to maximise available views. This is a building and a location where a contemporary and innovative approach to providing additional accommodation is not inappropriate. The modern, simple, yet contrasting form of the proposed extension would be clearly read as a contemporary addition, thus justifying the use of a minimal palette of materials. The proposal would utilise the footprint and walls of an existing structure and the resultant plan form is appropriate. Amendment has been made to reduce the overall height to better align with the adjacent buildings. The structure would largely be screened from surrounding public areas, although it would be visible at distance from the public road to the northwest and potentially at greater distance from the public road on the other side of the valley and high ground. However, it would have a lightweight appearance due to the large areas of glazing,

and the resultant mixture of building style within the group would not be uncharacteristic of the rural area. The proposal is not entirely consistent with the guidance on design provided by the council's householder development planning advice note. However, that guidance is not intended to prevent contemporary and innovative design, and the proposal is consistent with the council's ambition to promote high-quality design as set out in design policy and in the supplementary guidance on design quality and placemaking. The extension would comply with relevant spatial standards set out in the guidance and the design is considered to be acceptable.

- 8.8 The proposal does not give rise to any other significant issues in terms of development plan policy and is of a scale and nature appropriate for the location. The application complies with the development plan.
- 8.9 In terms of material considerations, it is necessary to have regard to the relevant planning matters raised in the letters of representation in so far as they are not addressed above. It is also relevant to have regard to Scottish Planning Policy (SPP) and the policies it contains.
- 8.10 Amenity concerns have been addressed above. As indicated, the proposal complies with relevant spatial standards. Concern regarding light pollution and impact on neighbouring property and the wider area is noted, but the separation distance between existing and proposed property is such that impact would not be beyond that commonly found throughout Angus. The amendment to the design through the provision of louvres on the east facing elevation would help reduce light-spill towards the closest neighbouring property. In relation to impact on the wider area, the proposal benefits from reasonably significant screening. It may be visible from the wider area when lit at night, but that is true for any property, and there are other buildings in the wider area that are larger and more prominent with potential to give rise to similar or greater impact.
- 8.11 While the extension would be of contemporary design and departs from the general form of the existing buildings, that does not make it unacceptable. Undoubtedly the design may not be to everyone's taste, but the planning system does not exist to protect private interests, and its purpose is not to prevent architectural innovation. Buildings in the area reflect different design styles through the ages; the grandeur of the hunting lodge at Auchenleish House is markedly different from the simplicity and modesty of croft style properties at and adjacent to the application site. This proposal would continue the theme of providing accommodation that meets the needs of the time in a style that reflects the period when it is constructed. For the reasons set out above the design of the proposal is considered acceptable.
- 8.12 There is no evidence to conclude the proposal would result in any significant, detrimental impact upon wildlife in the area. Permitted development rights allow for substantial alteration to existing buildings, and that can include sizeable extensions constructed from glass. As with any building that contains windows, some birds may fly into the structure, but no evidence has been provided, and there is no reason to conclude, that this proposal would pose a significant or unacceptable risk to birds.
- 8.13 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP. The adaptation of an existing property in a manner that does not give rise to any significant adverse impacts contributes to sustainable development. There is nothing in the SPP that would suggest the application should be refused contrary to the provisions of the development plan framework.

8.14 The proposal provides for a reasonably modest extension to an existing building. It does not give rise to unacceptable impacts on amenity, the natural or built environment, road safety or infrastructure. The matters raised in objection have been considered in the preparation of this report and the design has been subject of amendment to mitigate impact. The proposal is compatible with the relevant provisions of the development plan and there are no material considerations that justify refusal of planning permission.

## 9. OTHER MATTERS

### HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## 10. CONCLUSION

It is recommended that the application be approved for the following reason:

### Reason for Approval:

The proposal complies with the relevant policies of the development plan as it will not have a significant adverse impact on amenity, natural and built environment interests, road safety, or infrastructure, subject to the planning condition. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

### Conditions:

1. That prior to the commencement of development, precise details of the aluminium cladding and aluminium curtain wall louvres, including colour, shall be submitted to and approved in writing by the planning authority. Thereafter, the building shall be finished in accordance with the approved details.

*Reason: In order that the planning authority may verify the acceptability of the external materials in the interests of the amenity of the area.*

**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 a material extent in preparing the above report.

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**DATE: 8 AUGUST 2022**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: LETTERS OF REPRESENTATION  
APPENDIX 3: DEVELOPMENT PLAN POLICIES  
APPENDIX 4: PLANNING SERVICE PRESENTATION