

Perth and Kinross Council
Development Management Committee – 27 March 2013
Report of Handling by Development Quality Manager

Change use of public open space to private garden ground, alterations to boundary fences/walls and extension to dwellinghouse at No. 3 Churchill Court, Aberfeldy, PH15 2AT

Ref. No: 13/00199/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for change use of public open space to private garden ground, alterations to boundary fences/walls and extension to a dwellinghouse as the development is considered to comply with the provisions of the Development Plan subject to compliance with conditions.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the Aberfeldy Conservation Area and concerns an area of land (under the ownership of Perth and Kinross Council) that is adjacent to No. 3 Churchill Court, a two storey semi-detached property that is part of a modern estate. The property is, clad in white dry dash render with a pitched, concrete tiled roofline.
- 2 The proposal is for a change of use of public open space to private garden ground; alterations to boundary fences/walls; and, the erection of a single storey extension to the property itself. In terms of dimensions, the proposed additional floorspace equates to an area of 26.6 square metres with a height of 2.7 metres to the north-east eaves; 3 metres in height to the eaves on the south-west elevation; and 4.4 metres to the ridgeline.
- 3 The nearest edge of the extension to the southern site boundary is 1 metre. The proposed changes to the site boundaries include the formation of a new timber fence (1.1 – 1.2 metres in height) to be located along the south-east, north-east and part of the south-west parts of the application site. The south-west boundary also includes the formation of new side hung double gates; vertical timber boarding up to the height of the new timber fence with a trellis above, up to the height of the existing block wall.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP); Planning Advice Notes (PAN), Designing Places, Designing Streets and a series of Circulars.

The Scottish Planning Policy 2010

5 This SPP is a statement of Scottish Government policy on Land Use Planning and contains:

- The Scottish Governments view of the purpose of planning;
- The core principles of the operation of the system and the objectives for key parts of the system;
- Statutory guidance on Sustainable Development and Planning under Section 3E of the Planning etc (Scotland) Act 2006;
- Concise subject planning policies, including the implications for Development Planning and Development Management; and
- The Scottish Governments expectations of the intended outcomes of the planning system.

Of particular relevance to this application are:-

- Paragraphs 110 – 125: Conservation Areas.

DEVELOPMENT PLAN

6 The Development Plan for the area comprises the approved Tay Plan 2012 (Strategic Development Plan 2012 – 2032 and the adopted Highland Area Local Plan 2000.

TAYplan Strategic Development Plan 2012–2032

7 The principal relevant policies are in summary:-

Policy HE3: Conservation Areas

8 There is a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance. The design, materials, scale and siting of new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Policy RD1: Residential Areas

9 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

Policy 3: Managing TAYplan's Assets

- 10 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through: safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Highland Area Local Plan 2000

- 11 Under the Local Plan the site lies within the settlement boundary of Aberfeldy
The principal relevant policy is in summary:-

Policy 58: General Residential and Compatible Uses

- 12 Inset Map 2 identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Some scope may exist for infill development, but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 13 On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 14 Under the LDP the site is located within the General Residential and Compatible Uses Policy for Aberfeldy.

OTHER POLICIES:

- 15 Aberfeldy Conservation Area Appraisal

SITE HISTORY

- 16 04/02556/FLL Replacement of Porch
Application Approved.

CONSULTATIONS

- 17 **Environmental Health** No objections
- 18 **Scottish Water** No objections.

REPRESENTATIONS

- 19 None

ADDITIONAL STATEMENTS

20	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	None submitted.

APPRAISAL

- 21 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. The adopted Development Plans that are applicable to this area are the TayPlan 2012 and the Highland Area Local Plan 2000.
- 22 The determining issues in this case are whether: the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations, which justify a departure from policy.
- 23 The site is covered by Policy 58 General Residential and Compatible Uses, which seeks to retain and enhance the residential character and amenity where possible. The policy also gives encouragement to proposals, which improve the character and environment of the area. The current proposal will have no detrimental effect on the residential character of the area given the small scale of the structure and its proposed use, together with the distance of the extension from any neighbouring, residential properties.

Visual Amenity

- 24 The siting of the extension on the gable of the existing building, (south elevation) with the pitched roof located below the existing pitched roof has been designed in a way that provides a suitable form of composition between old and new, whilst maintaining the character of the existing building (and neighbouring, surrounding buildings) by virtue of the style of the pitched roof. The proposed extension reflects the architecture of the host building and is suitably subservient in scale. The realigned and new additional section of

fence as well as timber gates will be an improvement to the existing concrete block wall in visual terms. The design of the development is not detrimental to either, the setting of the existing building; neighbouring surrounding properties or the character and appearance of the Aberfeldy Conservation Area.

- 25 The proposed finishing materials comprise of dry dash rendered walls and a pitched, concrete tiled roofline with upvc double glazed windows. It is considered that the use of the proposed external finishing materials blend sympathetically with those of the existing house and do not detract from the character of the Aberfeldy Conservation Area. The Conservation Officer is also satisfied that the proposals would not have a detrimental impact and as a consequence would be in accord with Policy HE3.

Access Arrangements

- 26 The application proposes the formation of a dropped kerb crossover and hardstanding, however, the Transportation Planner has no objections to the application and that there are no adverse issues regarding pedestrian and traffic safety.

Residential Amenity

- 27 The proposed extension; change of use to private garden ground; and, boundary fence are situated more than 9 metres to the south-east of the nearest neighbouring residential property; and, more than 16 metres to the north-east of the nearest neighbouring, residential property. In terms of overlooking and overshadowing, the proposed development will not pose any privacy issues to neighbouring residential properties due to the separation distances involved.

Planning Authority With An Interest In The Land

- 28 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 29 A legal agreement is not required for this application.

DIRECTION BY SCOTTISH MINISTERS

- 30 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulations 30–32, there have been

no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call-in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 31 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered to comply with the adopted Local Plan and TayPlan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reasons:

1. To ensure that the development is carried out in accordance with the plans approved.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: None
Contact Officer: Philip Sweeney – Ext 75814
Date: 12 March 2013

Nick Brian
Development Quality Manager

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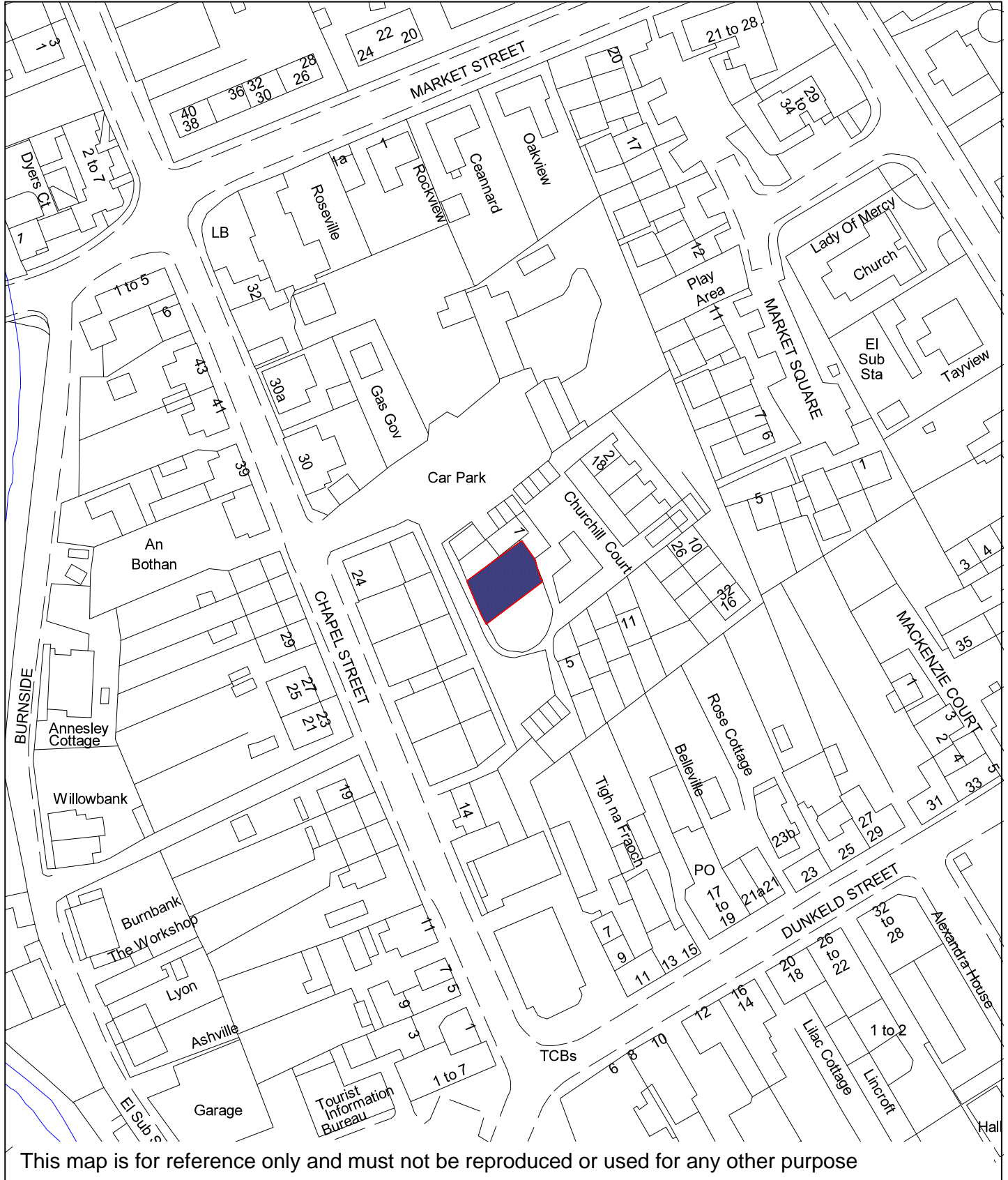
Council Text Phone Number 01738 442573

Perth & Kinross Council

13/00199/FLL

3 Church Court, Aberfeldy

Change of Use of open space to private garden, alt boundary fence/wall and extend



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↑ Scale
1:1250

