

Perth and Kinross Council
Development Management Committee – 21 August 2013
Report of Handling by Development Quality Manager

Alterations and extension of dwelling house to form granny annex and erection of a garage/workshop at 62 Feus Road, Perth

Ref. No: 13/00645/FLL

Ward No: 11 – Perth City North

Summary

This report recommends approval of the application for the alterations and extension of dwelling house to form a granny annex and erection of a garage/workshop as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 2 storey dwelling house (upper floor accommodation fully in the roof space) with a single domestic garage to rear. Consent is sought to construct a front extension (with accommodation in roof space) maintaining the roof height with this incorporating a granny annex and a double domestic garage/workshop to the rear.

NATIONAL POLICY AND GUIDANCE

- 2 **Designing places:** - The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for 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 Government's expectations of the intended outcomes of the planning system.

However, due to the scale of the development proposed under this application none of the paragraphs are of direct relevance in this instance.

DEVELOPMENT PLAN

- 4 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012-2032 and the Perth Area Local Plan 1995 *Incorporating Alteration No.1 Housing Land 2000*.

TAYplan June 2012

- 5 There are no specific policies which relate to the proposal given the small scale of the development.

Perth Area Local Plan 1995 *Incorporating Alteration No.1 Housing Land 2000*

- 6 In the Local Plan the site lies within the settlement boundary of Perth within an area where general residential policies apply.
- 7 The principal relevant policy is in summary:

General Residential Policies

8 Policy 41

This identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved.

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

- 9 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The principal relevant policy in summary is:

Policy RD1: Residential Areas

- 10 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.

OTHER POLICIES

- 11 Building Research Establishment (BRE) Site layout planning for daylight and sunlight: a guide to good practice.

SITE HISTORY

- 12 12/01737/FLL Erection of a 2 storey rear extension (with accommodation in roof space) which incorporated the granny annex and double domestic garage. Refused 17/01/13

CONSULTATIONS

- 13 **Scottish Water** No objections

REPRESENTATIONS

- 14 12 letters of representation have been lodged in respect of the proposal; 7 opposed to the proposal and 5 in support.

- 15 The issues raised against the application are summarised as follows:

- 1 loss of visual amenity;
- 2 over development of site;
- 3 affects privacy;
- 4 over shadowing;
- 5 out of keeping with adjacent properties;
- 6 increase in the number of dwelling houses on site;
- 7 garage out of line with adjacent properties;
- 8 the application has both a double garage and additional driveway;
- 9 green space removal;
- 10 workshop in residential area;
- 11 flood risk;
- 12 sets a precedent.

- 16 The issues raised supporting the application are summarised as follows:

- 1 extension of similar appearance;
- 2 behind the building line of the rest of the street;
- 3 improves parking;
- 4 the property will still have a larger front garden than others in street.

- 17 All of these issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

| | |
|--|-----------------|
| 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

Policy

- 18 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy of the Development Plan is Policy 41 of the Perth Area Local Plan 1995.

Residential Amenity:

- 19 The proposal in its amended form has been designed to address the serious concerns raised on the previous application in respect of the impact of the proposal on residential amenity.

Loss of Privacy

- 20 Concerns have been raised in respect of the current application regarding the possible loss of privacy to neighbouring properties. I have examined this carefully in terms of the relationship between existing and proposed, particularly with regard to the neighbouring property. I am satisfied that there would be no overlooking between the proposed extensions and neighbouring property due to the orientation and distances involved. I am therefore of the opinion that an acceptable level of privacy will be maintained in the surrounding residential properties.

Overshadowing:

- 21 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 22 The proposed garage and workshop would lie to the rear of the existing house and at an elevated position. The neighbouring house to the north, 64 Feus Road, is at a similar level to the application house and therefore the proposed garage /workshop would be elevated to the south west of 64 Feus Road. However, a detailed assessment of the relationship between the 2 has been carried out and this shows the combination of the distance between the 2 and the angle to the nearest window at the neighbouring house, is such that there would not be a significant loss of daylight This has been based on taking full cognisance of the BRE document and as a result I consider a reasonable level of daylight and sunlight would be maintained to neighbouring properties and the extent of overshadowing would not be excessive.

Overdevelopment:

- 21 The increase in footprint is as a result of the front extension and the double domestic garage/workshop to the rear. The front extension creates a lounge for the dwelling house plus a lounge for the granny annex with a bedroom above. The front extension would be over the front garden but due to the existing size of the garden, there would still be adequate garden ground retained. The garage/workshop to the rear would occupy the existing garage area with an increase in the footprint but nevertheless there would still be ample garden ground retained to the rear, either between the garage and house or to the side of the garage. The side elevation of the garage would in fact be set at a distance of 6 metres from the boundary to the south. As a consequence I do not consider the proposal would constitute overdevelopment of the site.

Design and Layout:

- 24 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales of development. Ill conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 25 The proposal has been amended to respond to concerns highlighted in the previous delegated refusal (12/01737/FLL). Overall I am of the opinion that the revisions to the scheme have addressed the reasons for the previous delegated refusal.
- 26 The proposed forward extension of the dwelling house, in terms of design and finishing materials, is considered to be in keeping with the existing dwelling house and adjoining properties and raises no issues of concern. In terms of the street frontage to The Feus, Nos. 62 – 66 are set back from the predominant building line. The proposed extension would result in No. 62 projecting further forward than No.64 but still remain behind the line of No. 60 to the south.

Open Space:

- 27 While the site is not a designated area of open space the front garden area is prominent in the street scene. However, as the proposed extension would be set back from the public road it would still provide an open area and consequently I consider its contribution to the streetscene is maintained.

Flood risk:

- 28 The property does not lie within a flood risk area and all run off would be dealt with by the existing public system, as is the case with the existing house.

Use of Extension and Workshop

29 An issue has been raised with respect to the number of dwelling houses on the site but the application proposes the extension to be used as a granny annexe and this is a common place form of extension. It does not constitute a separate house and indeed if one were to be formed then it would require further planning consent. However, a condition has been proposed to address this aspect. The workshop similarly would be used as ancillary accommodation to the existing house and this would also be controlled by condition.

30 Economic Development

There are no economic development implications as a result of the development other than the benefit to the local economy arising from the actual construction works.

LEGAL AGREEMENTS

31 None required.

DIRECTION BY SCOTTISH MINISTERS

32 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

33 The proposed extension is acceptable in terms of scale and design and it shall not unduly impact on the amenity of the neighbouring dwelling houses. As such the proposed extension is considered to comply with Policy 41 of the Perth Area Local Plan 1995 and Policy RD1 of the Proposed Local Development Plan and there are no material considerations apparent which would outweigh the contents of the Development Plan in this instance.

RECOMMENDATION

A Approve subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 2 The domestic garage/workshop authorised by this consent shall be used solely for purposes incidental to the enjoyment of the dwelling house.
3. The extension shall be used for ancillary accommodation to the existing dwelling only and shall not be used or occupied as a separate dwellinghouse.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In order to safeguard the residential amenity of the area.
- 3 To exercise proper control over the nature of the development.

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: 12 letters of representation were received.

Contact Officer: Alasdair Beveridge – Ext 75375

Date: 01 August 2013

Nick Brian
Development Quality Manager

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↑ Scale
1:1250

