

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

**Demolition of existing house and garage and erection of replacement dwellinghouse and garage at The Rowans, Strowan Road, Comrie**

Ref. No: 13/01193/FLL  
Ward No: 6– Strathearn

**Summary**

This report recommends approval of the application for demolition of existing house and garage and erection of replacement dwellinghouse and garage as the development is considered to comply with the relevant provisions of the Development Plan.

**Background and Description**

- 1 Full planning consent is sought for the demolition of an existing dwellinghouse and garage and the erection of a replacement dwellinghouse and garage at The Rowans on Strowan Road in Comrie. The application site is located within a residential area and is surrounded by a mixture of residential properties including detached bungalows; semi detached properties and terraced properties. The existing dwellinghouse is a shallow pitched roof bungalow typical of the 1960s/70s period of construction. The dwellinghouse has 3 bedrooms and has a T shaped footprint and is finished in predominantly horizontal timber boarding with feature natural stone elements. The existing house sits approximately 450mm below Strowan Road and the supporting statement submitted with the application indicates that the house was flooded in both August 2012 and November 2012 to a depth of approximately 450mm above floor level which caused significant damage to the internal fabric and finishes of the main house and the lower section of the upper structure and external lining finishes.
- 2 The supporting statement states also that various options have been examined by the applicant in terms of reconstructing the existing house and improving its flood resilience. It was concluded that the most cost effective method of achieving this was to entirely replace the house to modern standards with improved flood resilience. The proposed replacement house is to be built over a slightly smaller footprint than the existing house but is proposed to have a 45 degree pitched roof with 1<sup>st</sup> floor accommodation served by rooflights in the two bedrooms and a dormer to accommodate an upstairs bathroom.

**National Policy and Guidance**

**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.

Of relevant to this application are;

- Paragraphs 66 - 91 Housing
- Paragraphs 196 - 211 Flooding and Drainage

### **Development Plan**

- 4 The Development Plan for the area consist of the Approved Tayplan 2012 and the Adopted Strathearn Area Local Plan 2001

### **Tayplan: Strategic Development Plan 2012-2032**

The principal relevant policies are:-

5 Policy 1: Location Priorities

- (a) focuses the majority of development in the region's principal settlements and  
 (b) and prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

6 Policy 3: Managing Tayplan's Assests

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- and safeguarding habitats, sensitive green spaces, forestry, 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;

## **Strathearn Area Local Plan 2001**

- 7 Under the local plan the application site is located within the settlement of Comrie within an area allocated for residential and compatible uses.

The principal relevant policies in summary are:

### **Policy 2 Development Criteria**

- 8 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework and, should have regard to the scale, form, colour and density of development within the locality.

### **Policy 7 Flooding**

- 9 Development in areas liable to flood or where remedial measures would adversely affect flood risk elsewhere will not normally be permitted.

### **Policy 74 General Residential and Housing**

- 10 Seeks to retain and, where possible, improve residential amenity and character. Where sites become available for development, housing will be the most obvious alternative use.

## **Perth and Kinross Proposed Local Development Plan 2012**

- 11 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

Under the Proposed LDP the principal relevant policies are:

- 12 Policy PM1 Placemaking – Development must contribute successfully to the quality of the surrounding built and natural environment
- 13 Policy RD1 Residential Areas - Identifies areas of residential and compatible uses where existing residential amenity will be protected. General encouragement will be given to uses including infill residential, improvements to shopping facilities which serve local needs, proposals which improve the character and amenity of the area and others subject to criteria
- 14 Policy EP2 Flooding - There will be a general presumption against development where a proposal would increase the probability of flooding elsewhere.

## Other Policies

15 None.

## Site History

16 05/01143/FUL Extension to Dwellinghouse – Approved August 2005

## Consultations

17 Scottish Water No objection

18 Flood Prevention Officer No objection

## Representations

19 A total of seven letters of representation have been received all objecting to the proposal and raising the following relevant issues:-

- Design
- Scale
- Height
- Visual Amenity
- Impact on character of area
- Impact on residential amenity (loss of sunlight/overlooking)

These issues are all raised in the Appraisal section of this report.

The loss of view is not a material planning consideration and is therefore not addressed.

## 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	Submitted
Report on Impact or Potential Impact	None submitted.

## Appraisal

### Policy

20 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 policies of the Development Plan are outlined in the policy section above.

## **Principle**

- 21 Policy 74 of the SALP states that scope may exist for residential development within Comrie but only where it will not adversely affect the density, character or amenity of the village. The general principle of erecting a dwellinghouse on this site is considered acceptable as it involves replacing an existing house which is considered to be at risk from flooding. The proposed house will alleviate this flood risk issue and this will be considered in more detail in the flooding paragraph below. This report is required to consider whether the scale and design of the house is sufficient to ensure that it does not detrimentally impact on the character and amenity of the village.

## **Design/Scale/Character**

- 22 The houses in the immediate area are all bungalows of a similar style and scale to the house which is proposed to be demolished, although there are some examples of taller properties with accommodation over two levels similar to that proposed, such as the dwellinghouse which occupies the corner of Strowan Road and Barrack Road to the south of the application site. The proposed house is to be 7.42 metres from ground level to ridge and on the south side of the house the ridge is proposed to step down to 6.6 metres. The existing house is approximately 4.1 metres in height.
- 23 Whilst it is noted that the over riding character of the area constitutes shallow pitched bungalows I do not believe this entirely restricts the development of housing in the area to similarly designed bungalows. A well designed taller house, despite its scale would not necessarily impact detrimentally on the character of this part of Comrie. The existing well established landscape framework, particularly that fronting the public road will help to screen and contain the new house. This existing planting is marked for retention on the submitted plans. The finishing materials including a slate roof, white render, a stained timber boarding are all considered to be high quality materials which relate well to the surrounding built form. Furthermore the footprint of the proposed house is smaller than that of the existing dwellinghouse. I am satisfied that the proposed house can be accommodated on the site without significant detriment to the character of the area.

## **Residential Amenity**

### Overlooking

- 24 A number of letters of representation have raised concerns regarding overlooking caused by the increased height of the property and position of windows. The east (front) elevation of the dwellinghouse is located approximately 12 metres from the eastern application site boundary. The properties on the eastern side of Strowan Road (nos 23, 25 and 27) are

approximately a further 14 metres from the plot boundary, across the public road and more in the case of 23 and 27 due to the angle which they orientated compared to the proposed house. There is therefore a total distance of 26 metres between the proposed east elevation of the new house and the properties to the east. The Council's guidance in relation to window to window distances which has been applied for a number of years throughout Perth and Kinross seeks a minimum of 18 metres to negate any overlooking concerns. The guidance also requires a minimum of 9 metres between windows and plot boundaries. I am satisfied that the distance between the properties will negate any concerns regarding overlooking.

- 25 A window is proposed to serve a bedroom at first floor level on the north elevation of the house and a ground floor windows to serve a "snug lounge" is also proposed on this elevation. These windows are proposed to be approximately 18 metres from the south elevation of Earlish. These windows will face onto a blank gable and the side of the neighbouring garden, further the driveways of 3 properties are also located between the proposed property and Earlish. All of the above will, in my view, ensure that the proposed house will not detrimentally impact on the Earlish to the north.
- 26 The windows on the rear (west) elevation of the house are located approximately 13 metres from the application site boundary to the west. As stated above, Council guidance in relation to window to boundary distances seeks a minimum of 9 metres which is met satisfactorily in this instance. It is noted that neighbours have raised concerns regarding overlooking from the 1<sup>st</sup> floor windows. All upper floor windows on this elevation are proposed to be rooflights, other than the proposed bathroom which will be fitted with obscure glazing. Rooflights are designed to be located within the roof space of a room and cannot be directly looked out of like a dormer window and as such this is considered to further negate any concerns regarding overlooking from the upper level windows.
- 27 Overall the house is located centrally within the plot to ensure windows are a sufficient distance from boundaries to protect the amenity of neighbouring properties and I do not consider the proposed house to have any detrimental impact on residential amenity in terms of overlooking.

#### Overshadowing

- 28 A number of letters of representation have raised concerns regarding the height of the proposed house and the blocking of sunlight which would occur. In terms of planning policy there is a requirement to assess whether any overshadowing which does occur will be so detrimental to residential amenity to merit refusal of the application. As outlined above the proposed house is located centrally within the plot and it is inevitable that an increase in height will result in shadowing occurring. As outlined above the proposed house is to be 7.42 metres in height. When calculating daylight it is a planning "rule of thumb" to apply a 45 degree angle from the tallest part of any proposed structure to calculate where overshadowing and loss of daylight is likely to occur. This is a long established and accepted method of calculating this and has been used in

many planning decisions in Perth and Kinross. The sun will rise in the east and move around the southern end of the building before setting in the west. When calculating a 45 degree angle from the tallest part of the proposed house this equates to a distance of 7.8 metres of likely overshadowing. Given the position of the house and the distance to boundaries this will only result in the garden ground of the existing house being overshadowed and the height of the house is therefore not considered to result in any significant overshadowing to neighbouring properties.

- 29 Similarly in relation to the garage, this is proposed to be 5.1 metres in height which is 1.9 metres taller than the existing garage. When using the above calculation this equates to an area of overshadowing of a 5.2 metres. Whilst this may result in some minor overshadowing to the garden of Whitecairns it will not be to a significant level or of such a degree to merit refusal of the application.

## **Flooding**

- 30 The entire reason for construction of this replacement house is to alleviate the flood risk which is associated with the existing house. I have sympathy with the existing owners of the property given the two recent occasions which the house has experienced flooding. I have been made aware that the owners have been living in temporary accommodation whilst the property was repaired following flood damage. Clearly the owners do not wish to risk having the property flood again and have therefore proposed to entirely replace the house. The house has been designed to minimise the affect of flooding on its structure by proposing a concrete floor, masonry cladding to the timber frame kit to cill level, vents to have screwed caps. The floor level is proposed to be 300mm above the recognised flood water levels. The Council's Flood Prevention Officer has been consulted on the proposal and was involved in pre application discussions.
- 31 Although the development is taking place in the active floodplain it is considered that as the development concerns the reconstruction of an existing property to incorporate flood resilience and protection measures that the proposals are suitable. This is particularly true in light of the email correspondence between the applicant and Paul Hendy of the Scottish Flood Forum outlining the inability of the current structure to be adapted to improve flood resilience.
- 32 The removal of hard-standing and minimisation of the property footprint ensures that the development will not be detrimental to the ability of the functional flood plain to store and convey water when compared with the current arrangement – therefore the development will not increase the risk of flooding elsewhere.
- 33 In terms of flood risk the other consideration with the application would be the ensuring that no solid boundaries are erected around the site either during or after construction. Any such structure could alter flow routes across the floodplain. The Flood Prevention Officer has therefore requested a condition

be attached to any consent given to ensure that no solid boundaries are permitted.

### **Access/Parking**

- 34 The existing access onto Strowan Road is proposed to be retained. Adequate parking and turning facilities are marked on the proposed site plan. Transport Planning have offered no objection to the proposal.

### **Economic Development**

- 35 The economic benefits which it is considered will arise as a result of this proposal include added value to the local economy in terms of employment through the construction of the house and spending on goods and services in the local area.

### **Legal Agreements**

- 36 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 37 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**

- 38 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Strathearn Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is 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.
- 2 No solid site boundaries are permitted either during construction or after construction. Prior to the commencement of development full details of the proposed site boundaries shall be submitted for the written approval of the Planning Authority. The details, as approved in writing, shall be implemented during the development of the site and maintained in perpetuity.



- 3 The window serving the bathroom at 1<sup>st</sup> floor level shall be fitted with opaque glazing to the satisfaction of the Council as Planning Authority and shall be maintained as such.

### **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To avoid altering the flow of water across the flood plain.
- 3 In the interests of residential amenity.

### **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

### **C PROCEDURAL NOTES**

None

### **D INFORMATIVES**

- 1 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.
- 2 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.
- 3 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)).

Background Papers: Seven letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 01 August 2013

**Nick Brian**  
**Development Quality Manager**

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000



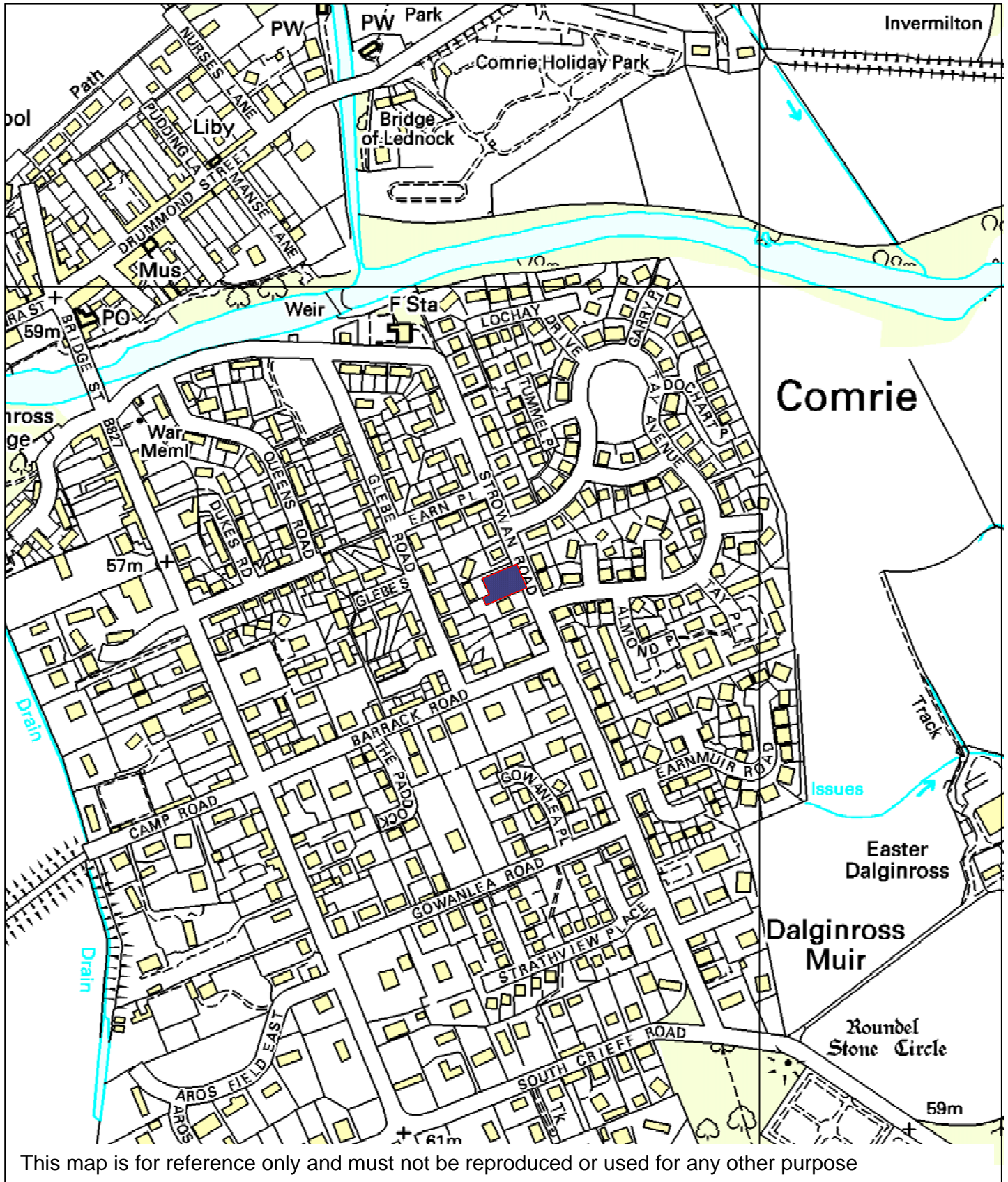
Council Text Phone Number 01738 442573

# Perth & Kinross Council

13/01193/FLL

The Rowans, Strowan Road, Comrie

Demolition of house and garage and erection of replacement house and garage



This map is for reference only and must not be reproduced or used for any other purpose

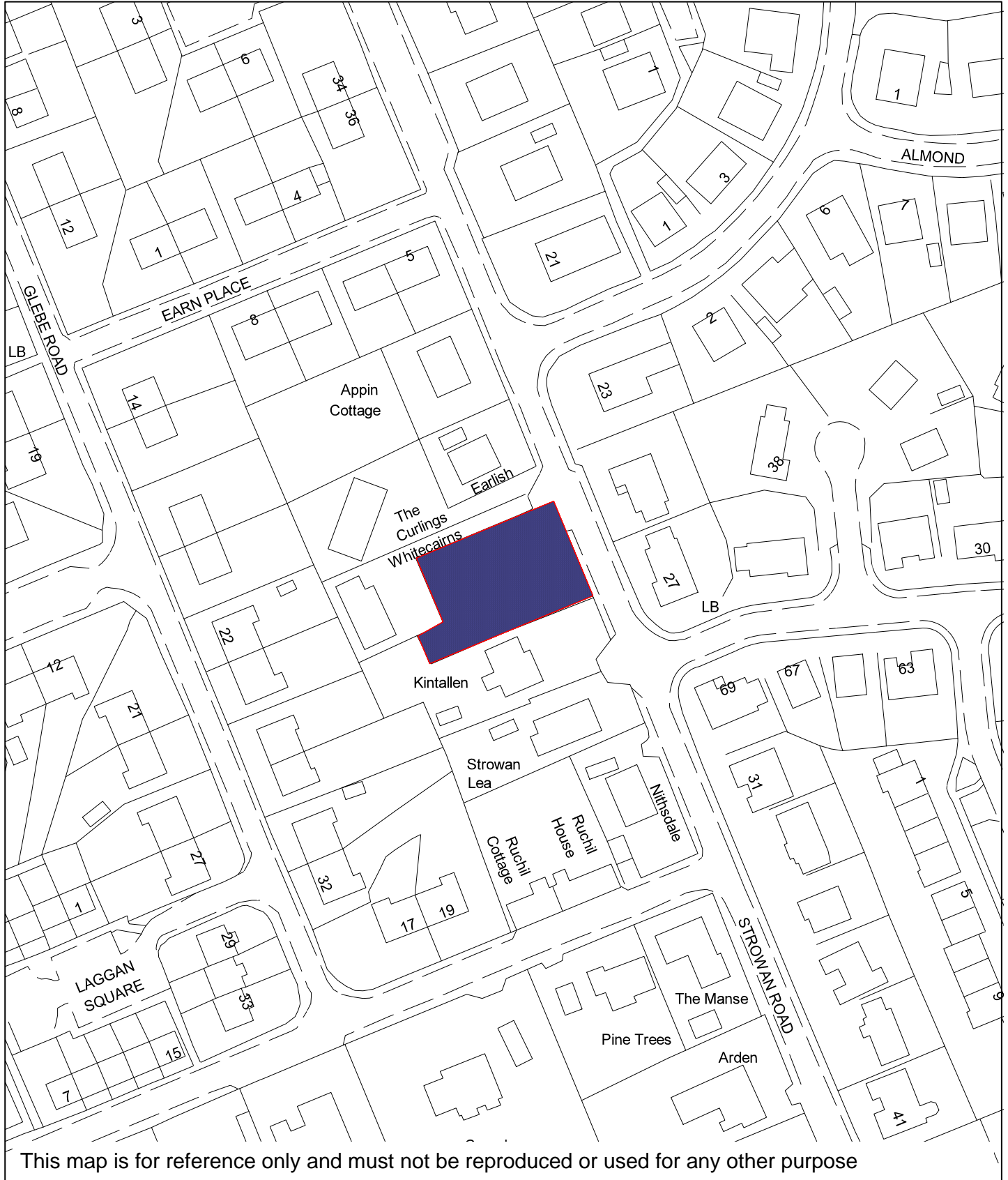
↑ Scale  
1:5001

# Perth & Kinross Council

## 13/01193/FLL

### The Rowans, Strowan Road, Comrie

Demolition of house and garage and erection of replacement house and garage



This map is for reference only and must not be reproduced or used for any other purpose

↑ Scale  
1:1250