



AGENDA ITEM

8

**EXTENSION TO DWELLINGHOUSE
(AMENDMENT TO PLANNING
PERMISSION P/15/0706/FUL)
(PARTLY RETROSPECTIVE) AT
PRIORSFORD, 75 GRAHAMSDYKE
ROAD, BO'NESS, EH51 9DZ FOR MR
DAVID NESS - P/16/0201/FUL**

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (AMENDMENT TO PLANNING PERMISSION P/15/0706/FUL) (PARTLY RETROSPECTIVE) AT PRIORSFORD, 75 GRAHAMSDYKE ROAD, BO'NESS, EH51 9DZ FOR MR DAVID NESS - P/16/0201/FUL

Meeting: PLANNING COMMITTEE

Date: 17 August 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor Adrian Mahoney

Councillor Ann Ritchie

Councillor Sandy Turner

Community Council: Bo'ness

Case Officer: Kirsty Hope (Planning Officer), Ext. 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission for a rear extension at Priorsford, 75 Grahamsdyke Road, Bo'ness. It is proposed to provide a conservatory extension that is split into two levels (internally) as well as a covered raised patio area to the rear. The external finishing materials comprise vertical cedar lining boards, bullnose coursed sandstone and glazing. It is proposed that the rear patio area would have opaque glazing on the east elevation. This proposal is to be considered part retrospective.
- 1.2 The dwelling is a detached two storey dwelling, located within a generous garden plot. The site falls within the Grange Conservation Area and within a Tree Preservation Order Area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Turner (because of concerns about development in a conservation area) and Councillor Ritchie (because of concerns about privacy).

3. SITE HISTORY

- 3.1 A planning application (reference P/15/0706/FUL) for a similar proposal to extend the dwelling with a rear conservatory was granted on 22 January 2016.

- 3.2 A non-material variation was submitted to amend the existing ground levels on the east elevation and to install a door on the east elevation under the patio. This was agreed on 6 April 2016.
- 3.3 A non-material variation was submitted to omit the 1.8 metre screen on the eastern boundary with opaque glazing on the east elevation to enclose the patio area. This was not agreed as a non-material variation as a planning application would be required, the current proposal was then submitted (P/16/0201/FUL).
- 3.4 P/14/0390/FUL - Extension to Dwellinghouse (Conservatory) was granted planning permission on 5 September 2014.
- 3.5 P/08/0980/FUL - Erection of Sun / Garden Room was granted planning permission on 12 February 2009.
- 3.6 06/0520/FUL - Formation of Access and Installation of Gates was granted planning permission on 1 August 2006.
- 3.7 F/2000/0881 - Development of Land for Residential Purposes [One Dwellinghouse] (Outline) was granted outline planning permission on 2 April 2001.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit advise that informatives should be attached in relation to contaminated land and construction hours, if consented.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council have made no comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, one contributor submitted 3 letters to the Council. The salient issues are summarised below: -

- Loss of privacy.
- Contrary to Development Plan.
- Contrary to Supplementary Guidance.
- Detrimental impact on character and appearance of Conversation Area.
- Breach of planning control.
- Drawings misleading.
- No design statement submitted.
- Detrimental impact on setting of listed building.

- Contrary to Grange Conservation Area Management Plan.
- Installation of CCTV.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. The application site lies within the Grange Conservation Area. The adjoining property, 73 Grahamsdyke Road, is a category B listed building. The following policies are relevant.

7a.2 Policy 'D10 - Conservation Areas' states: -

"The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- 1. New development in Conservation Areas should preserve or enhance the character and appearance of the Conservation Area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.*
- 2. The layout, design, materials, scale, siting and use of any development affecting an unlisted building in a Conservation Area, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, should respect the character and appearance of the original building, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
- 3. Demolition of unlisted buildings within Conservation Areas which make a positive contribution to the special character and appearance of the area will only be supported where:*
 - the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report; or*
 - the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or*

- *the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community; and*
- *proposals for redevelopment of the site contribute to the character and appearance of the conservation Area.*

Existing buildings shall be retained on site until the redevelopment commences.”

7a.3 This policy seeks to ensure that new development within Conservation Areas preserves and/or enhances the character and appearance of the Conservation Area. The proposed extension is to the rear of a large detached dwellinghouse set within a substantial plot within the Grange Conservation Area. It is considered that the proposed extension complies with this Policy. The architectural style, massing and materials of the building complement the existing building and do not detract from the overall character and appearance of the area. Although the rear of the applicant's dwellinghouse can be seen from Grange Loan it is largely screened by trees and shrubs.

7a.4 Policy ‘D09 - Listed Buildings’ states:-

“The Council supports the sustainable re-use and management of the historic built environment, and on that basis there is a presumption against demolition or any other works that would adversely affect the special interest or setting of a listed building. The Council recognises, however, that listed buildings will require alteration, extension and adaptation from time to time to remain in beneficial use and encourages creative and sensitive development where there are no such adverse effects. Accordingly:

1. *The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, shall be appropriate to the character and appearance of the building and its setting, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it. In particular it should be demonstrated that:*
 - *the existing building is no longer of special interest;*
 - *the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report;*
 - *the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or*
 - *the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community.*
3. *RCAHMS will be formally notified of all proposals to demolish listed buildings to enable features to be recorded.”*

7a.5 This policy seeks to protect the setting of listed buildings. The property to the west of the application site, no. 73 Grahamsdyke Road, is a category B listed building. It is considered that the proposed extension by reason of siting, architectural style, massing and materials does not detract from the setting of the listed building. The proposal complies with this policy.

7a.6 Policy 'HSG07 - Residential Extensions and Alterations' states:-

"Extensions and alterations to residential properties will be permitted where:

- 1. The scale, design and materials are sympathetic to the existing building;*
- 2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- 3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, unacceptable loss of off-street parking, or road safety issues.*

Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 'Residential Extensions and Alterations'"

7a.7 The proposal complies with this policy. The scale, design and materials are sympathetic to the existing building. The proposal does not significantly affect the degree of amenity or daylight enjoyed by neighbouring properties. Taking into account the ground levels, distances between windows, angles of buildings and obscure glazed screening that are proposed it is considered that the extension would not have an impact on the privacy of neighbours to an extent that a refusal of planning permission would be justified. The proposal is not an overdevelopment of the plot. A large garden area is retained and remains in keeping with the overall spacious character of this part of the conservation area. The proposal does not cause any road safety or parking concerns.

7a.8 Policy 'GN04 - Trees, Woodland and Hedgerows' states: -

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*

4. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
5. *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.”*

7a.9 The application site is within an area covered by a Tree Preservation Order and a conservation area. This policy seeks to ensure that new development will not adversely affect the longevity, stability or appearance of the trees within the area. The proposal complies with this policy. The proposed development is far enough away from the trees that it will not have an adverse impact on them.

Supplementary Guidance Forming Part of the Local Development Plan

7a.10 Supplementary guidance SG16, 'Listed Buildings and Unlisted Properties in Conservation Areas' and SG03, 'Residential Extensions and Alterations' are relevant.

7a.11 SG16 provides guidance on the Council's approach to the conservation and enhancement of the historic environment. SG03 provides guidance on the design of residential extensions. Both documents set out the general principles that are considered important in achieving good design. It is considered that the proposed development does not conflict with the supplementary guidance.

7a.12 Having assessed the proposals against the relevant policies in the Falkirk Local Development Plan and against the associated supplementary guidance it is considered that the proposed development is in accordance with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are consultation response, the Grange Conservation Area Management Plan, the site history, the representations received, coal mining legacy issues.

Responses to Consultation

7b.2 No issues of concern have been raised by consultees. The Environmental Protection Unit recommend that if planning permission is granted, informatives are attached to the decision notice relating to the timing of construction activities and ground conditions.

The Grange Conservation Area Management Plan

- 7b.3 The Grange Conservation Area Management Plan was published in 2011 and pre-dates the Falkirk Local Development Plan and SG16. Some of its content, for example, comments in relation to the submission of design statements have been superseded by the Falkirk Local Development Plan and SG16. The Conservation Area Management Plan stated a requirement for any planning application to be supported by a Conservation Design Statement as set out in supplementary guidance current at that time relating to 'Design Statements'. The 'Design Statement' guidance set a threshold for applications requiring a design statement with regard to sensitivity and scale. Although the proposed extension meets the threshold with regard to sensitivity in that it is within a conservation area, it does not meet the threshold regarding scale. The current policy position as set out in SG16 clarifies the position making it clear that a Design Statement will not be required in every case. Accordingly, with reference to the Grange Conservation Area Management Plan the submission of a design statement is not required.
- 7b.4 The overall purpose of the Grange Conservation Area Management Plan is to provide guidance to property owners, occupiers and their agents on policies and procedures and design standards expected. It is considered that the proposed development does not conflict with this guidance.

The Site History

- 7b.5 Planning permission, reference P/15/0706/FUL, has already been granted for an extension to the rear of the dwellinghouse and construction of the extension is well advanced. The current application is for a proposal that is substantially the same. The main difference is that the existing planning permission includes a requirement to install a 1.8 metre high obscure glazed screen on the east elevation, at the top of the external stairway leading from the covered raised patio area to the garden. It is a condition of planning permission, reference P/15/0706/FUL, that this screen be installed and maintained. The current planning application, reference P/16/0201/FUL, proposes to enclose the east elevation of the raised patio area with a 2.6 metre high obscure glazed wall and doorway in place of the 1.8 metre screen and to leave the balustrade stairway to the garden open. The revised proposal does not comply with the condition imposed on the earlier planning permission and therefore a further planning application was required.
- 7b.6 The reason for imposing a condition on planning permission, reference P/15/0706/FUL, requiring the 1.8 metre obscure glazed screen was to safeguard the privacy of the occupants of adjacent properties. It is considered the amended proposal will also provide a suitable privacy screen and is an acceptable alternative. If planning permission is granted a condition can be imposed requiring the screen wall and doorway to be installed and thereafter retained.

Representations Received

- 7b.7 It is considered, as set out in paragraphs 7a.2 – 7a.13, that the proposed development would not have a significant impact on the privacy of the neighbours or of the applicants.
- 7b.8 The proposal complies with the Development Plan and supplementary guidance as set out paragraphs 7a.2 – 7a.13.

- 7b.9 It is considered that the architectural style, massing and materials proposed are appropriate and the proposal would not have a detrimental impact on the character and/or appearance of the Grange Conservation Area or the setting of the listed building at 73 Grahamsdyke Road.
- 7b.10 There has been a breach of planning control in that changes were made to the approved east elevation of the extension without first seeking permission. These changes, such as installing a small door to the void beneath the raised patio and detailing of the external stairs are minor and have been agreed as non-material variations of planning permission reference P/15/0706/FUL. The applicants have installed CCTV on the property which requires planning permission within a conservation area. The applicants have been advised of the need for permission and a planning application has been requested. In the meantime the applicant has provided details of the field of vision of cameras to confirm that the 5 cameras installed around the dwellinghouse do not infringe neighbours' privacy.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.11 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.12 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.13 If planning permission is granted, an appropriate informative note would appear on the Decision Notice.

7c Conclusion

- 7c.1 The proposed development has been assessed against the Falkirk Local Development Plan and against all relevant material planning considerations. The proposal complies with the Development Plan and there are no material considerations to justify refusing planning permission for the amended proposals to extend this dwellinghouse.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

2. Prior to occupation of the extension hereby approved, the east elevation of the raised patio area, facing the boundary of 77 Grahamsdyke Road, (as shown hatched on the approved east elevation drawing 04B) shall be fitted with fixed obscure glazed windows and an obscure glazed door in accordance with details to be submitted to and approved in writing by this Planning Authority. Thereafter, the obscure glazing shall be retained and maintained at all times.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To safeguard the privacy of the occupants of adjacent properties.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04B, 05B, 06B, 07, 08, 09 and 10.
3. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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pp Director of Development Services

Date: 8 August 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. The Grange Conservation Area Management Plan.
3. Objection received from Mr Pacitti, c/o Euan Pearson, Pearson Planning, PO Box 28606, Edinburgh, EH4 9BQ on 9 June 2016
4. Objection received from Mr & Mrs Pacitti, C/O Euan FS Pearson MRTPI MRICS, Pearson Planning, PO Box 28606, Edinburgh, EH4 9BQ, on 3 May 2016
5. Objection received from Mr Pacitti, C/O Euan FS Pearson MRTPI MRICS, Pearson Planning, PO Box 28606, Edinburgh, EH4 9BQ, on 1 May 2016

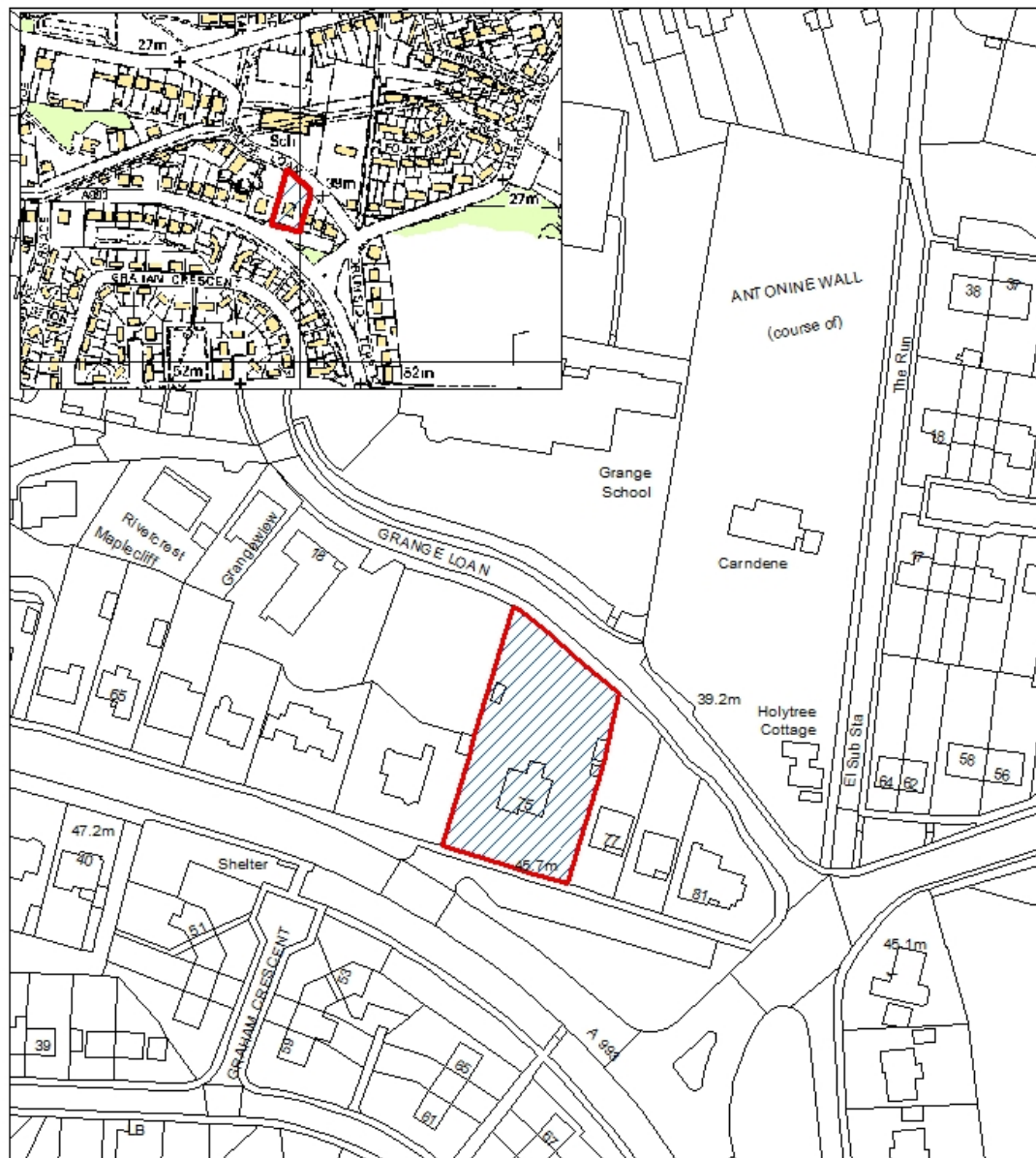
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0201/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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