



AGENDA ITEM

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**Changes to the Accessible Entrance
Route, Level of Garden Below Raised
Platform and Boundary Fences
(Retrospective) at 6 & 8 Apple
Blossom Grove, Maddiston, Falkirk
FK2 0BH for Taylor Homes (Scotland)
Ltd - P/16/0639/FUL**

FALKIRK COUNCIL

Subject: CHANGES TO THE ACCESSIBLE ENTRANCE ROUTE,
LEVEL OF GARDEN BELOW RAISED PLATFORM AND
BOUNDARY FENCES (RETROSPECTIVE) AT
6 & 8 APPLE BLOSSOM GROVE, MADDISTON, FALKIRK,
FK2 0BH, FOR TAYLOR HOMES (SCOTLAND) LTD -
P/16/0639/FUL

Meeting: PLANNING COMMITTEE

Date: 25 JANUARY 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This retrospective application proposes the construction of a raised decking area and timber fencing to the rear of two recently constructed detached dwellinghouses within an established residential area of Maddiston, Falkirk. The purpose of the raised decking doubles as providing an accessible entrance route to the property as well as providing a raised seating area. The decking measures 2.5m deep and currently extends for the full width of each plot and varies in height from 1.35m above ground level to 1.17m above ground level. During the course of this application, the applicant has amended the proposals to reduce the size of the decking on plot 6 by removing the westernmost portion of the decking back in line with the gable end of the house. A privacy screen measuring 2m in height is also now proposed on this western elevation and the fencing on the boundary with number 4 Apple Blossom Grove is proposed to be trimmed in height along its full length. At the time of writing this report the decking construction was substantially complete and the houses remain unoccupied.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Gordon Hughes because of concerns that have been raised regarding impacts on visual amenity and privacy. Also because clarification is sought regarding construction of the decking, the scale of the decking and design features and planning conditions.

3. SITE HISTORY

- 3.1 F/91/0521- Granted 12.11.1992, erection of 92 Dwellinghouses (Detailed)
- 3.2 F/95/0422 - Withdrawn 15.09.1995, erection of 68 Dwellinghouses (Detailed)
- 3.3 F/2003/0585 - Granted 26.09.2003, erection of 12 No. Dwellinghouses (Detailed)
- 3.4 F/94/0262 - Granted 15.03.1996, erection of 85 Dwellinghouses (Detailed)
- 3.5 F/91/0521- Granted 12.11.1992, erection of 92 Dwellinghouses (Detailed)
- 3.6 F/95/0422 - Withdrawn 15.09.1995 Erection of 68 Dwellinghouses (Detailed)
- 3.7 F/2003/0585 - Granted 26.09.2003, erection of 12 No. Dwellinghouses (Detailed)
- 3.8 F/94/0262 - Granted 15.03.1996, erection of 85 Dwellinghouses (Detailed)

4. CONSULTATIONS

- 4.1 No consultations were undertaken.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributors submitted 5 letters of objection to the Council. The salient issues are summarised below:-
 - Privacy;
 - Overdevelopment;
 - Overbearing presence of the decking and fencing;
 - Poor design;
 - Accuracy of drawings;
 - Purpose of application;
 - Retrospective nature of application;
 - Setting of precedent; and
 - Loss of a view.

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. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:-

7a.2 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.3 The proposal respects the character and appearance of the existing dwellinghouses and the surrounding area. The development would retain sufficient levels of privacy to adjoining properties whilst allowing for the provision of a level access area to the rear door of these properties. The proposal would not represent an overdevelopment of the plot and would not introduce any unacceptable overshadowing. The proposal does not impact upon parking provision and accords with the terms of the Falkirk Local Development Plan.

Supplementary Guidance Forming Part of the Development Plan

7a.4 Supplementary Guidance SG03 - Residential Extensions and Alterations is relevant. This document offers design guidance to prospective developers in an attempt to achieve an overall improvement in design quality and in order to protect amenity standards. The guidance offers specific advice in relation to privacy and provides guidance in respect of decks and balconies, making particular reference to the importance of addressing potential privacy, overshadowing, noise, light spillage and security issues. It is considered that the proposal in question does not raise any particular concerns on these points and meets the terms of this guidance.

7a.5 The proposal accords with SG03 and Policy HSG07 and therefore accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the representations received.

Representations Received

- 7b.2 Privacy has been assessed in detail and the applicant has amended the plans to include the provision of a privacy screen at the end of the decking and to step the decking back from the boundary with number 4 Apple Blossom Grove. The applicant has provided a privacy drawing which demonstrates that privacy levels between the decking and the hot tub area in the garden of number 4 Apple Blossom Grove would more than comply with those contained within the Council's supplementary design guidance even if these areas were considered to be habitable rooms. Within any residential area, an element of overlooking of garden ground is not unusual. The overlooking of garden ground in this instance is considered to be within acceptable levels.
- 7b.3 In response to the privacy drawing provided by the applicant, the occupant of number 4 Apple Blossom Grove has also submitted a drawing depicting what areas of garden ground at number 4 would be visible from the proposed raised decking platforms. The drawing shows that around 80% of the garden at number 4 would be able to be overlooked by this raised decking and the decking proposed as part of application P/16/0643/FUL at 2 Apple Blossom Grove, when measured from the closest point. Whilst the 80% figure is not disputed, a similar degree of overlooking is currently possible from existing windows on the rear elevations of neighbouring properties and as a result the total privacy levels are unchanged by the proposed decking. Arguably, the inclusion of a 1.8m high privacy screen on the end of the decking platform would increase the degree of privacy provided to number 4 Apple Blossom Grove by removing a large proportion of overlooking previously possible from neighbouring kitchen utility room windows.
- 7b.4 It is not agreed that the proposal represents an overdevelopment of the plot. The decking provides each property with a level access outside space directly to the rear of their properties which would be south facing. This is likely to improve the overall amenity of these properties by making better use of the outdoor space available. The garden areas still have capacity to accommodate clothes drying areas or outbuildings normally associated with rear gardens.
- 7b.5 Concerns regarding the overbearing presence of the decking and fencing are noted and the applicant has proposed to reduce the height of the boundary fence and trim the decking back from the boundary in order to address these concerns. It is considered that these amendments have resulted in a design which would not have an overbearing presence on the neighbouring property.
- 7b.6 The design of the decking would achieve better use of the existing garden ground area whilst maintaining adequate privacy levels. The overall design quality of the decking is considered to be adequate in this instance.
- 7b.7 Inaccuracies with the initially submitted drawings have been addressed with the submission of the amended plans.
- 7b.8 In respect of the call in reasons it is considered that the visual impact of the proposal and privacy levels achieved are acceptable in this instance. The decking would be visible from neighbouring properties but would not be visible from the main road and the scale, design, method of construction and materials of the decking are consistent with structures commonly found within the gardens of residential properties. A planning

condition is proposed in order to ensure that the proposed privacy screen is maintained in perpetuity.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee Grant Planning Permission subject to the following conditions:-
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 the decking hereby approved being brought into use, the proposed reduction in the area of decking along the boundary with number 4 Apple Blossom Grove shall be carried out in full and the proposed 2m high privacy screen shall be constructed on the western end of the decking to the rear of 6 Apple Blossom Grove in accordance with the approved plans numbered 02B and 05. Thereafter, the privacy screen shall be maintained at this height and construction in perpetuity unless otherwise agreed in writing by the planning authority.

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. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03B, 04 and 05.



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pp Director of Development Services

Date: 16 January 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG03 – Residential Extensions and Alterations.
3. Objection received from Mr Jonathan Campbell, 4 Apple Blossom Grove, Maddiston, Falkirk, FK2 0BH on 6 December 2016.
4. Objection received from Mr Paul Campbell, 4 Apple Blossom Grove, Maddiston, Falkirk, FK2 0BH on 23 December 2016.
5. Objection received from Mr Paul Campbell, 4 Apple Blossom Grove, Maddiston, Falkirk, FK2 0BH on 5 December 2016.
6. Objection received from Mrs Joan Campbell, 4 Apple Blossom Grove, Maddiston, Falkirk, FK2 0BH on 6 December 2016.
7. Objection received from Mr Paul Campbell, 4 Apple Blossom Grove, Maddiston, Falkirk, FK2 0BH on 10 January 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0639/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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