



AGENDA ITEM

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**Erection of Decking and Boundary
Fencing (Modification to Planning
Permission P/16/0098/FUL)
(Retrospective) at 2 Apple Blossom
Grove Maddiston Falkirk FK2 0BH for
Taylor Homes (Scotland) Ltd -
P/16/0643/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DECKING AND BOUNDARY FENCING
(MODIFICATION TO PLANNING PERMISSION
P/16/0098/FUL) (RETROSPECTIVE) AT
2 APPLE BLOSSOM GROVE, MADDISTON, FALKIRK,
FK2 0BH, FOR TAYLOR HOMES (SCOTLAND) LTD -
P/16/0643/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 this decking doubles as providing an accessible entrance route to the property as well as providing a raised seating area. 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 P/16/0098/FUL - Granted 27.05.2016 substitution of House Types on Plot 31 & 2 Apple Blossom Grove. (Detailed)
- 3.2 F/91/0521 - - Granted 12.11.1992 erection of 92 Dwellinghouses (Detailed).
- 3.3 F/95/0422 - Withdrawn 15.09.1995 erection of 68 Dwellinghouses (Detailed).

- 3.4 F/2003/0585 - Granted 26.09.2003 erection of 12 No. Dwellinghouses. (Detailed)
- 3.5 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:-

- Inaccurate plans;
- Privacy impact;
- End panel construction undefined;
- Retrospective nature of application;
- Setting of precedence;
- Lack of Permitted Development rights for this decking;
- Removal of front fence without permission of landowner;
- Overbearing presence of privacy screen/end panel; 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:-
- 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 plots and would not introduce any unacceptable overshadowing. The proposal does not impact upon parking provision.

Supplementary Guidance Forming Part of the Falkirk Local 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 Inaccuracies within the plans initially submitted have now been addressed with the submission of amended plans.
- 7b.3 Privacy has been assessed in detail. The presence of a privacy screen at the end of the decking and fact that the decking is stepped back from the boundary with number 4 Apple Blossom Grove by approximately 2.3m is considered to maintain adequate privacy levels. 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 supplementary design guidance SG03 - Residential Extensions and Alterations, 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.4 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 would be visible from the proposed raised decking platform. 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/16/0639/FUL at 6 & 8 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 and dining room windows.
- 7b.5 The construction of the end panel/privacy screen has been clarified as being close boarded timber fencing which has no gaps. The height of this end panel has been reduced from 2.0m to 1.8m above the finished floor level of the decking to reduce its visual prominence. It is considered that as the decking at this point is only 0.87m above the ground and is located 2.3m from the boundary, the privacy screen would not have an overbearing impact on the neighbouring property
- 7b.6 The retrospective nature of the application has no bearing on the assessment process.
- 7b.7 The proposal is not considered to set any form of precedence for future development. Each application is assessed upon its own merits.
- 7b.8 The decking does not benefit from permitted development rights hence the need for this application.
- 7b.9 Issues raised by an objector surrounding the removal of a front fence without permission of the landowner is not material to the assessment of this application. This work does not form part of this planning application.
- 7b.10 Loss of a view is not a material planning consideration.
- 7b.11 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 proposed 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 1.8m high privacy screen shall be constructed on the eastern end of the decking to the rear of 2 Apple Blossom Grove in accordance with approved plans numbered 02D and 03A. 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, 02D, 03A and 04A.**



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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/16/0643/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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