



Agenda Item

6

**Extensions to Dwellinghouse and
Creation of Access at 116 Larbert
Road, Bonnybridge, FK4 1EP for Mr
Gordon Fowler – P/17/0049/FUL -
(Continuation)**

FALKIRK COUNCIL

Subject: EXTENSIONS TO DWELLINGHOUSE AND CREATION OF
ACCESS AT 116 LARBERT ROAD, BONNYBRIDGE,
FK4 1EP FOR MR GORDON FOWLER - P/17/0049/FUL
Meeting: PLANNING COMMITTEE
Date: 16 August 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Bonnybridge Community Council

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

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 27 June 2017(copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 7 August 2017.
2. Following a summary of the proposal by the case officer, the applicant spoke in support of the application. Objectors were then given an opportunity to address the Committee, and the comments were largely reiterating the content of their objection letters received during the course of the application. Comments raised were regarding privacy, location of bins, driveway gradients, construction and undermining from the proposed boundary walls.
3. Members took the opportunity to view the site from all four sides of the dwelling.
4. No new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission. The previous recommendation is reiterated as follows:-

5. RECOMMENDATION

- 5.1 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. Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments, no window(s), rooflights and or alterations beyond those granted in this permission shall be formed on the gable elevation facing onto number 4 Drummond Place, without the express prior written consent of this Planning Authority.
3. Vehicular access to the driveway from Larbert Road shall be via a minimum 3 metre wide dropped kerb footway crossing, formed in accordance with details to be submitted to and approved in writing by this planning authority in consultation with the Falkirk Council Roads Services.
4. The driveway shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.
5. Notwithstanding the approved plans, the frontage boundary enclosure shall be no higher than 0.6 metres in height.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To safeguard the privacy of the occupants of adjacent properties.
- 3-4. To safeguard the interests of the users of the highway.
5. To allow visibility from the access and to safeguard the interests of the users of the highway.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05, 06, 07, 08A, 09, 10, 11, 12 and 13.

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Pp Director of Development Services

Date: 10 August 2017

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Supplementary Guidance SG03, 'Residential Extensions and Alterations'.
3. Objection received from Mr Kenneth Brookes, 114 Larbert Road, Bonnybridge, FK4 1EP on 22 February 2017.
4. Objection received from Mr Paul Crawford, Bonniecrawf, 4 Drummond Place, Bonnybridge, FK4 1PT on 22 February 2017.

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

FALKIRK COUNCIL

Subject: EXTENSIONS TO DWELLINGHOUSE AND CREATION OF
ACCESS AT 116 LARBERT ROAD, BONNYBRIDGE,
FK4 1EP FOR MR GORDON FOWLER - P/17/0049/FUL
Meeting: PLANNING COMMITTEE
Date: 27 June 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Bonnybridge Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of a detached one and a half storey property with a detached domestic garage. The site is located in a well-established residential area. The property is accessed via a private driveway from Drummond Place.
- 1.2 The applicant seeks planning permission for a one and a half storey extension that would replace an existing single storey rear extension. The plans also include replacement of an existing conservatory with a single storey extension and the erection of fencing and boundary walls and changes to existing garden levels. The application also includes the formation of a vehicular access from Larbert Road.
- 1.3 The proposed site plan and 3D sketches which the applicant has submitted show details of new hedges, a BBQ, low level decking and the positioning of refuse bins. These proposals do not require the benefit of planning permissions and therefore will not be assessed within this report.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor William Buchanan. The reason for the call-in being residents' concerns regarding impact of proposals on amenity to be considered by Committee.

3. SITE HISTORY

- 3.1 P/16/0056/FUL - Extension to Dwellinghouse - this proposal was similar to the current proposal. The applicant withdrew the application on 1 March 2016.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit recommends that if planning permission is granted, informatives are attached to the decision notice relating to the timing of any noisy construction work and actions to be taken with regard to potentially contaminated ground.
- 4.2 The Roads Development Unit have advised that if planning permission is granted, then conditions should be attached in relation to the formation of a dropped kerb, the gradient of driveway and visibility splays.

5. COMMUNITY COUNCIL

- 5.1 Bonnybridge Community Council has made no representations in respect of the application.

6. PUBLIC REPRESENTATION

- 6.1 A total of two representations have been received, objecting to the proposed development. The concerns raised in the objections can be summarised as follows:
- Balconies within the roof could be removed and changed to velux windows.
 - Unsure of the height of the wall/fence for new boundary.
 - Visual amenity concerns regarding the bin location. Could this be concealed.
 - Existing overflowing bins a concern.
 - Damage to neighbouring vehicles from blown over bins.
 - Remove steps and have existing slope on drive to move refuse bins easily, or access Norwood Court for bin collections.
 - Red line boundary is incorrect as the line includes part of a neighbouring driveway and public path.
 - Outlook and privacy concerns to neighbour's bedroom.
 - Overlooking concerns to neighbouring garden from rooflight/balcony.
 - Application form is inaccurate in relation to parking spaces. Parking at the front does not look large enough to turn and park 3 vehicles.
 - Proposed BBQ area. Concerns in relation to hot residue, ash, smoke and cinders and fire causing damage to neighbouring garage, cars and timber decking.
 - The proposed extension would be closer to the existing boundary and inaccuracies in the measurements to the boundary.
 - If permission is granted can the boundary wall and fence be erected first to reduce the impact on the neighbouring resident?
 - Would like assurances that any skips are kept within the site and existing boundaries are not damaged.
 - Parking for contractors - can this be restricted to the parking arrangements on Larbert Road.
 - Requests made by neighbours for a site visit to discuss the application and concerns raised.
 - Inaccuracy of the existing and proposed rear driveway profile. The incline is steeper than shown and significant excavation would be required.
 - Proposed boundary wall may cause damage to neighbouring property. No details on plans of how this wall would be constructed.

- Tall gallery windows could be reduced to ground floor to minimise overlooking.
- Inaccuracies on western boundary - garage which forms the existing boundary omitted from the plans.
- Concerns regarding no turning circle and visibility in relation to road safety.

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.

7a.2 The proposed development was assessed against the following policy or policies:

7a.3 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.4 The proposed materials for the extension match the existing render, stone and concrete roof tiles. The proposed side and rear extensions are also considered to be sympathetic in scale and design.

7a.5 The proposed extensions will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. The rooflights within the rear extension will not directly face adjacent habitable windows. Views will be restricted north and south (of the rooflights) by the existing roofplane. The finished floor level and height of these windows will also restrict the visibility.

- 7a.6 The development currently has adequate off-street parking with access from Drummond Place. The proposed access would be from Larbert Road and would provide adequate parking provision and access to manoeuvre. The proposal does not result in an overdevelopment of the site. The Roads Development Unit recommends conditions to ensure road safety. These are incorporated within the recommendation of this report.
- 7a.7 Remaining garden ground provision is adequate. No objections have been raised regarding the proposed chimney and flue. If complaints are received at a later date Environmental Health would investigate and take action where appropriate.

Supplementary Guidance Forming Part of the Falkirk Local Development Plan

- 7a.8 The Supplementary Guidance SG03, 'Residential Extensions and Alterations', advises that rear extensions are generally less visible than other extensions and the main issues are likely to be impact on garden size and amenity, privacy and daylight.
- 7a.9 The proposals are not considered to detrimentally affect the residential amenity, privacy and or daylight of neighbouring properties. Adequate garden ground would be retained following this development. It is considered that the proposal would comply with SG03.
- 7a.10 Having assessed the proposals against the relevant policy and the supplementary guidance it is considered the proposed development complies with the Falkirk Local Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the consultation responses, the representations received and consideration of the site in relation to coal mining legacy.

Consultation Responses

- 7b.2 The consultation responses are summarised in section 4 of this report. As set out in this section, the Environmental Protection Unit have not raised any concerns, however they have requested two informatives if planning permission is granted. The Roads Development Unit have requested conditions to be attached as noted in section 4.

Representations Received

- 7b.3 It is noted that there would be a restricted view from the proposed rooflight/balconies because of the existing sloping roof. The proposal would not have a significant impact on neighbours' privacy.
- 7b.4 The heights of the proposed boundary enclosures have been annotated on the submitted drawings (plan 08A).

- 7b.5 Whilst it is noted that the bins are shown on plan 08A, planning permission is not required for the location of the bins and no enclosure is proposed around the bins. If permission is given it does not authorise the bins to be located here as no planning permission is required. The applicant was asked if he would consider moving the bins from the location stated on the drawings in the light of concerns from neighbours. The applicant has declined. Existing concerns regarding overflowing bins and un-kept household waste have been referred to Environmental Health, who would take action if deemed appropriate.
- 7b.6 Damage to vehicles from blown over refuse bins is not a material planning consideration and therefore cannot be assessed within this report. This would be a civil matter for the parties concerned.
- 7b.7 The applicant has submitted details of the proposed location of the bins. This does not require the benefit of planning permission and therefore is not a material planning consideration.
- 7b.8 It is noted that the block plans show a red outline site boundary as well as the location plan. The application site is defined by the location plan and the drawings are considered acceptable to assess the application. It was noted on site that the block plans had included the public path. The applicant has declared that he owns the land to which the application relates. Any boundary or land ownership dispute is a private legal matter and not a material planning consideration.
- 7b.9 The proposal does not represent an overdevelopment of the plot and the proposed boundary treatments will retain privacy within the neighbouring bedroom.
- 7b.10 The proposed rooflights will not significantly affect the privacy of the neighbouring properties.
- 7b.11 The proposed BBQ area is noted on the plans. However, this would not require planning permission and is therefore not assessed within this report. Any damage to private property is a private legal matter.
- 7b.12 The proposed rear extension would be closer to the neighbouring boundary. The applicant has submitted a revised plan which shows the distance of the boundaries from the building.
- 7b.13 It is not considered reasonable or necessary that the proposed boundary walls or timber fences be erected prior to the extension being constructed as there are no privacy concerns.
- 7b.14 No assurances can be provided by the Planning Authority for the skips to be located within the site. Skips located on the road would require a permit from Falkirk Council Roads Service. Damage to private property is not a material planning consideration; this is a private legal matter.
- 7b.15 Parking for contractors cannot be restricted to Larbert Road. This is not a material planning consideration.
- 7b.16 Site visits were carried out by officers to both neighbouring properties that requested site visits.

- 7b.17 The applicant has confirmed that the plans are accurate. The plans do not show the excavations and this is not a planning requirement. These works may require a separate Building Warrant which would detail the construction.
- 7b.18 Weakening or undermining existing boundaries or indeed any damage cannot be controlled by this application. This is not a material planning consideration. This would be a private legal matter.
- 7b.19 The full length windows on the side elevation will not overlook the neighbouring property. The existing boundary enclosures will screen the site and the proposed screening is considered adequate. The extension to the side is single storey and no upper floor is proposed.
- 7b.20 The block plans do not necessitate the need to show neighbouring outbuildings. The context of the surrounding buildings was noted from the site visit.
- 7b.21 Planting does not require planning permission.
- 7b.22 It is noted that the boundary does not extend over the footpath.
- 7b.23 Disputes on boundary lines being adhered to is a private legal matter. If planning permission is granted this would not outweigh the need to get land owners consent or any other permissions required under legislation outwith planning legislation.
- 7b.24 The Roads Development Unit have advised that manoeuvring within the site will be restricted as the planted area within the front garden is not hard surface. However there is space to manoeuvre and safely egress the site in a forward gear and 3 parking spaces can be provided.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.25 The application site falls within the Development High Risk Area as defined by the Coal Authority. The Coal Authority advise that a Coal Mining Risk Assessment is not required but if planning permission is granted, an appropriate informative note would appear on the decision notice.

7c Conclusion

- 7c.1 The proposal has been assessed and is in accordance with the policies within the Falkirk Local Development Plan and the Falkirk Council's Supplementary Guidance (SG03) on Residential Extensions and Alterations. The representations raised by third parties are assessed and addressed within the body of this report. The comments received via consultation have been fully considered and conditions can be attached as appropriate.
- 7c.2 There are no material planning considerations that would outweigh the terms of the Falkirk Local Development Plan and the application is therefore recommended for approval.

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.**
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- 2. To safeguard the privacy of the occupants of adjacent properties.**
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Pp Director of Development Services

Date: 16 June 2017

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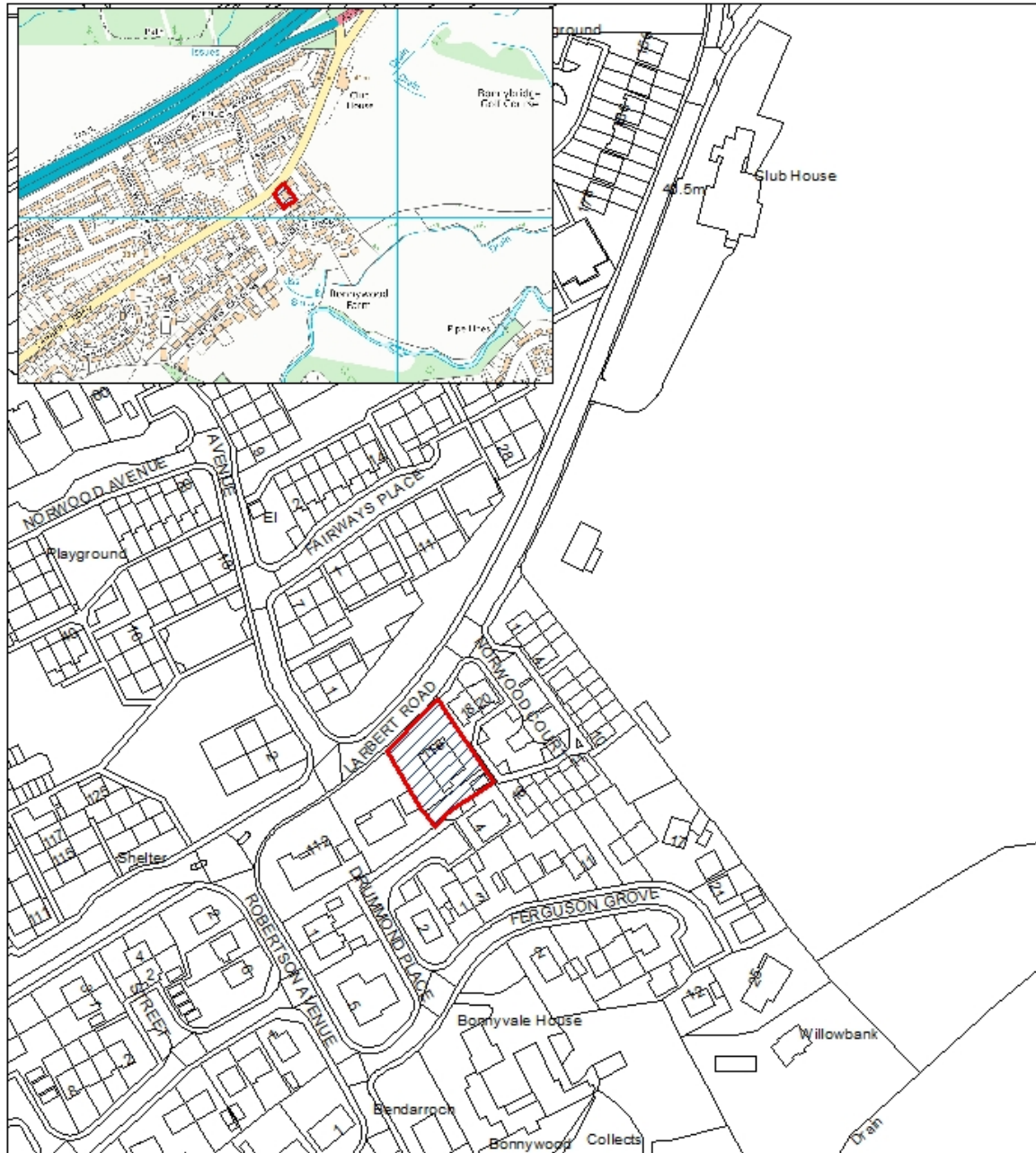
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0049/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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