

Agenda Item 5

**ERECTION OF OUTBUILDING
(RETROSPECTIVE) AT 18 WEIR
CRESCENT, DENNY, FK6 5FE FOR
MR PAUL JEFFREY - P/20/0233/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING (RETROSPECTIVE) AT
18 WEIR CRESCENT, DENNY, FK6 5FE FOR MR PAUL
JEFFREY - P/20/0233/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2020

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Fiona Collie
Councillor Paul Garner
Councillor Nigel Harris

Community Council: Denny and District

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of a residential property located within a new housing area in Denny. The dwellinghouse located on the property is two-storey semi-detached.
- 1.2 The application seeks retrospective planning permission to erect a 25m² outbuilding. The outbuilding abuts the eastern and northern site boundaries. It has a maximum height of 2.7 metres (along its front elevation) and slopes down to 2.3 metres at the rear. The external finishes are timber and roofing felt.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called-in by Councillor Fiona Collie who has stated that the outbuilding is of a size and position that causes overlooking and shading of the neighbouring property. There should be an opportunity for the household affected to have this considered more fully by the committee and if deemed necessary undertake a site visit or view images of the extent of this.

3. SITE HISTORY

- 3.1 There are no previous planning applications for the site of relevance to this application.

4. CONSULTATIONS

- 4.1 Falkirk Council's Building Standards Unit have advised that the building, provided it is under 30m² in floor area, does not require building warrant approval, however, the relevant technical standards require to be met. Due to its close proximity to the site boundaries, the external walls will require to provide the relevant fire resistance. Discussions have taken place between the Building Standards Unit and the property owner on measures to ensure compliance with the building regulations in this regard.

5. COMMUNITY COUNCIL

- 5.1 No comments were received from Denny and District Community Council.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 12 contributors submitted objections to the Council. The concerns raised in the objections are summarised as follows:-
- The shed has been positioned hard against the boundary fence with no regard for negative effects on the neighbouring property;
 - Significant reduction in daylight and sunshine;
 - Significant overshadowing of neighbouring garden, which will be problematic in the afternoon and evenings during spring, summer and autumn months;
 - No allowance for neighbours to enjoy their outdoor property space;
 - A deck was purposely built in the corner of the neighbouring property for the sun;
 - The shed only needs to be moved a metre or so from the fence to enable the neighbouring residents to enjoy their garden;
 - The construction protrudes significantly above the fence line;
 - The adjoining rear gardens are not all laid at the same level, which accentuates the height of the outbuilding;
 - The shed is not a standard size;
 - It is too large for the garden;
 - It appears that 50% of the garden has not been left undeveloped;
 - The undeveloped garden areas appear insufficient for a 3 bedroom house;
 - The garden also has a typical sized garden shed, an area of decking and a hot tub;
 - The large shed is completely at odds with the look of all the other gardens in the area;

- Several of the plans have not been drawn to scale therefore the application should not have been validated;
- The submitted block plan is a false representation of the development as it has not been drawn to scale and does not depict the true size of the structure as built;
- There is no scale or scale bar on the location or block plans, there is no north point on the block plan, there are no dimensioned drawings of the elevations, and there are no sections;
- Poor precedent for the area;
- Dominant feature on the boundary of the yet to be constructed land to the north;
- The building may have to be removed to comply with Building Standards regulations as the two sides of the building against the boundary fences should have been treated to make it anti-inflammable;
- Building regulations also state that the building should have been a metre away from the boundary fence; and
- The building could devalue the adjacent property

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 2 (LDP2) was adopted on 7 August 2020. It replaces the previous Local Development Plan.
- 7a.2 The application site lies within the Denny urban limits and Existing Supply Site H31 (Mydub 1) as identified in LDP2. H31 forms part of the Denny East Strategic Growth Area.
- 7a.3 Policy HC08 'Residential Extensions and Alterations' is outlined in Appendix 1,
- 7a.4 The scale, design and materials of the outbuilding are assessed as sympathetic to the existing property. Its design and materials are characteristic of an outbuilding within a residential environment.
- 7a.5 The location and scale of the building are not considered to significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties.

7a.6 While the building is large for an outbuilding, it is not considered to result in over-development of the plot, and so there is no adverse impact on the functioning of the garden ground. As a development within the rear garden, there are no issues with loss of off-street parking or road safety issues.

7b Material Considerations

7b.1 The material considerations to be assessed are Falkirk Council non-statutory supplementary guidance, the public representations, and additional planning considerations.

Falkirk Council Non-statutory Supplementary Guidance

7b.2 Falkirk Council Supplementary Guidance SG03 'Residential Extensions and Alterations' is relevant to the application. This guidance indicates that:-

- Outbuildings should not be over-dominant in relation to existing and surrounding properties;
- Outbuildings must be smaller in scale and subservient to the house;
- Where possible, the materials should be complementary to the dwelling;
- Impact on the useable garden ground and off-street parking will also be taken into consideration; and
- Where a potential overshadowing issue is identified, applicants may be asked to supply a detailed daylighting assessment to demonstrate the proposal is acceptable.

7b.3 The application is not considered to raise any issues in respect of these matters. The outbuilding is subservient to the house and is not over-dominant in its setting. The materials are in keeping with typical materials for an outbuilding in a residential environment. No garden ground or significant overshadowing issues are identified.

7b.4 The garden is north facing and the building would increase the shadow cast to the east as the sun moves around to the west/ north-west during the afternoon/ evening. This impact is assessed as minor and would not significantly impact on the overall sunlighting of the neighbouring garden compared to the situation prior to the outbuilding being erected. There is no justification for a detailed daylighting assessment.

Assessment of Public Representations

7b.5 The following comments are made in response to the concerns raised in the public representations:-

- The concerns raised in the representations in relation to amenity, design, site coverage and Building Standards regulations are considered and assessed in this report;
- Scale/ dimensioned block plans have now been submitted;
- The information accompanying the application is considered to be sufficient to assess the application, along with a site visit undertaken; and
- Concerns with property devaluation are not a material planning consideration.

Additional Planning Considerations

- 7b.7 Permitted development rights are granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The Order grants planning permission for specific types of development subject to limitations and conditions.
- 7b.8 Class 3A of this Order provides for buildings within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. In order to be permitted development, a number of conditions need to be satisfied. Those of relevance to this application are:-
- A maximum height of no more than 4 metres and a maximum eave height of no more than 3 metres;
 - A maximum height of no more than 2.5 metres for any part of the development within 1 metre of the boundary of the curtilage; and
 - The area of the rear curtilage (excluding the ground area of the original dwellinghouse and any hard surface or deck) covered by development is not to exceed 50% as a result of the development.
- 7b.9 Planning permission is required in this case as part of the shed lies within 1 metre of the boundary of the curtilage and exceeds 2.5 metres in height. As detailed in this report, the maximum height of the outbuilding is 2.7 metres, which is 0.2 metres higher than what is allowable under permitted development rights.
- 7b.10 The overall shading effect of the outbuilding, with its roof height sloping from 2.7 metres down to 2.3 metres, must be very similar to it having a 2.5 metre high flat roof, which is permitted development.
- 7b.11 Based on the submitted drawings, the rear garden coverage is calculated at 48.8% which satisfies the 50% allowance therefore planning permission is not required for this aspect of the development.

7c Conclusion

- 7c1. The application is considered to accord with LDP2, for the reasons detailed in this report. It is therefore recommended for approval. There are no material planning considerations to justify refusal of the application.

8. RECOMMENDATION

8.1 It is recommended that Committee grant Planning Permission.

Informative:

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

.....
pp Director of Development Services

Date: 10 September 2020

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan 2 (LDP2).
2. Falkirk Council Supplementary Guidance SG03 'Residential Extensions and Alterations'.
3. Objection received from Mr Kenneth Blackburn BArch DipArch ARB, 166 Shawbridge Street, Glasgow, G43 1PG on 6 July 2020.
4. Objection received from Mr Austin McRae, 16 Weir Crescent, Denny, FK6 5FE on 3 July 2020.
5. Objection received from Mr Austin McRae, 16 Weir Crescent, Denny, FK6 5FE, on 6 July 2020.
6. Objection received from Miss Ainsley Mcrae, 215 Falkland Drive, East Kilbride, G74 1EL on 8 July 2020.
7. Objection received from Miss Rachel Meade, 5 Canavan Park, Falkirk, FK2 9GD on 9 July 2020.
8. Objection received from Mr Laurence Meade, 2 Jura Place, Grangemouth, Fk3 0EZ on 8 July 2020.
9. Objection received from Mrs Kathryn Meade, 11 Morar Place, Grangemouth, FK3 0HG on 5 July 2020.
10. Objection received from Mr Alan Reilly, 32 Lindsay Road, East Kilbride, G74 4JA on 8 July 2020.
11. Objection received from Mr Mark Simeon, 45 Riddell Street, Clydebank, G81 2DJ on 5 July 2020.
12. Objection received from Miss Lauren Steven, 3/2, 34 Lochburn Gardens, Glasgow, G20 0SL on 8 July 2020.
13. Objection received from Mr John Taylor, 41 Harcourt Drive, Glasgow, G31 3EE on 4 July 2020.
14. Objection received from Mr Jayy Watson, 34 Millar Terrace, Rutherglen, G73 1BD on 10 July 2020.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

FALKIRK LOCAL DEVELOPMENT PLAN 2 POLICIES

Policy HC08 'Residential Extensions and Alterations'

Policy HC08 'Residential Extensions and Alterations' states: -

Extensions and alterations to residential properties will be permitted where:

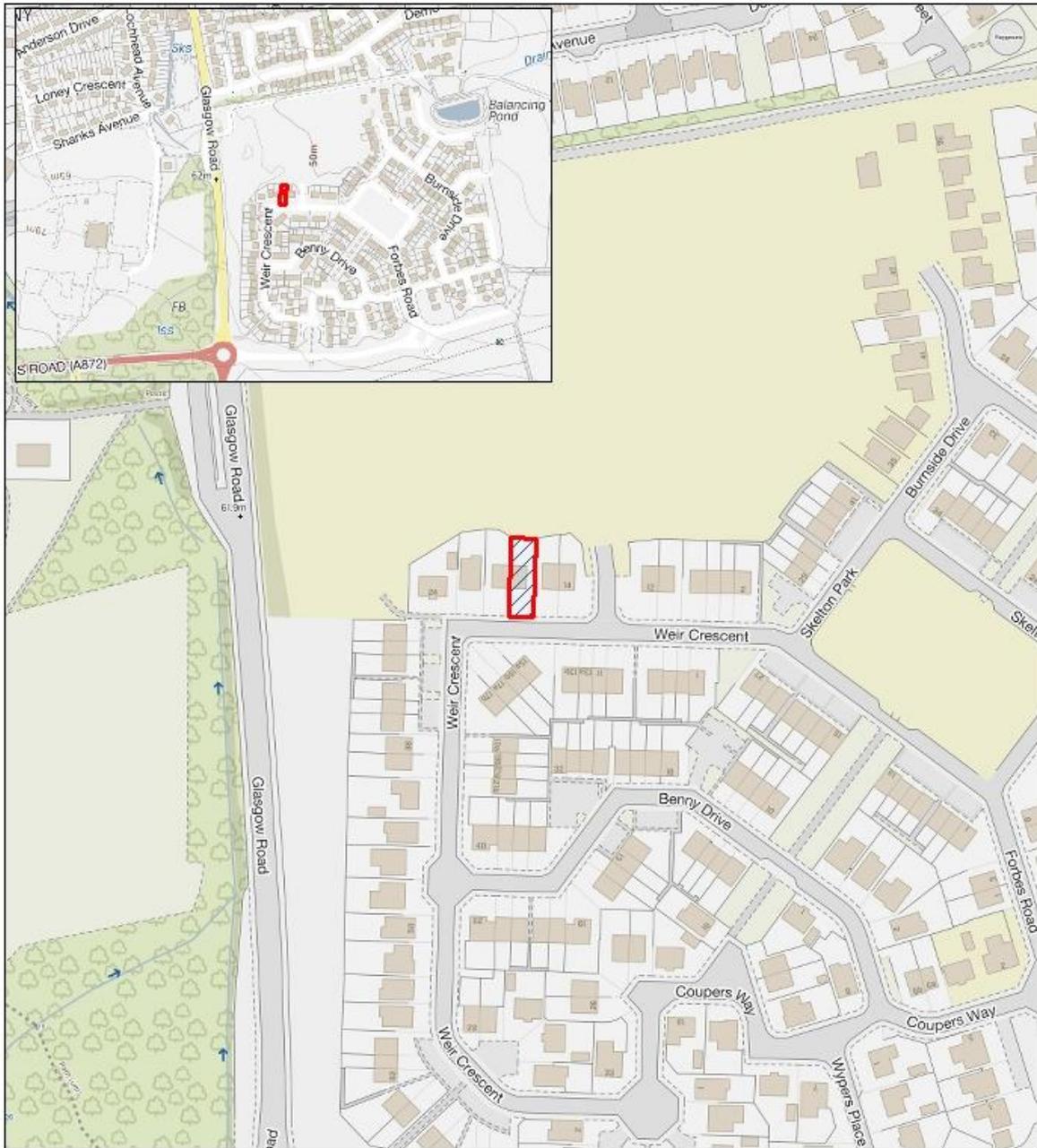
- 1. The scale, design and materials are sympathetic to the existing building;*
- 2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- 3. It will not result in overdevelopment of the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

Detailed guidance on the application of these criteria is set out in Supplementary Guidance SG03 'Residential Extensions and Alterations'.

Planning Committee

Planning Application Location Plan **P/20/0233/FUL**

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



© Crown copyright and database rights 2020 Ordnance Survey 100023384. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.