

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (DETAILED) AT LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR & MRS KING – P/08/0886/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **17 June 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor John Constable**
 Councillor Harry Constable
 Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer), ext 4880

UPDATE REPORT FOLLOWING SUBMISSION OF AN AMENDED PROPOSAL

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 February 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. A site visit took place on 19 March 2009 and the application was considered at the meeting of the Planning Committee on 25 March 2009. At this meeting the application was granted subject to conditions, including the removal of decking, to address privacy concerns. Should as a consequence, there be an effect on materiality, it was requested the matter be resubmitted to the Planning Committee.
2. An amended proposal has now been submitted for assessment and given the materiality of the proposed amendments this application is referred to the Planning Committee for consideration.
3. The amendments involve a reduction in the raised decking platform from approximately 52.7 square metres to 12.6 square metres. The amended decking is now 5.6 metres from the mutual boundary. The proposals also include two additional trees, 4 in total, at the north east mutual boundary. (A copy of the amended plan is attached.)
4. The objector was notified of the amended proposals and received a copy of the plan on 26 May 2009. The objector has until 10 June 2009 to make comment. To date no further representations have been received.

5. It is accepted that the reduction of the raised decking platform would reduce the severity of its impact on the privacy of adjacent dwellings. However, the remaining decking area remains in close proximity to the mutual boundary, and such would continue to impact on the privacy and residential amenity currently enjoyed by neighbouring properties.

6. RECOMMENDATION

- 6.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):**

- (1) It is considered that the proposed development is contrary to Policy BNS 10 “Infill Development and Plot Sub-division” of the adopted Bo’ness Local Plan and Policy SC8 “Infill Development and Sub-division of Plots” of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council’s Supplementary Planning Guidance on Housing Layout and Design as adequate privacy would not be afforded to neighbouring properties.**

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Director of Development Services

Date: 10th June 2009

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (DETAILED) AT LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR & MRS KING – P/08/0886/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **25 February 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor John Constable**
 Councillor Harry Constable
 Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is currently utilised as garden ground and is bounded to the west by the existing dwellinghouse (6 Erngath Road) 2 storeys high (on the north side of Erngath Road); to the north by terraced dwellings fronting Stewart Avenue; and to the east by adjacent garden ground serving flatted dwellings fronting Stewart Avenue.
- 1.2 This detailed application relates to the erection of one 1 ½ storey dwellinghouse within the side garden of 6 Erngath Road.

2. REASON FOR REFERRAL TO COMMITTEE

- 2.1 The application has been called in by Councillor John Constable.

3. SITE HISTORY

- 3.1 None of relevance to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit advises that noise need not be a determining factor in considering the application. The Unit request the undertaking of a site investigation for contamination given the presence of gas manufacturing, metal foundry and several other contaminative activities within 250 meters of the application site boundary.
- 4.2 The Roads Development Unit comments that the existing parking arrangements provide adequate in-curtilage parking to serve the original dwelling. The proposal would separate the two existing garages and associated driveways within the application site. On-street parking is evident on the southern side of Erngath Road and restricts the available carriageway width. The section of road adjacent to the application site is often reduced to one way traffic. It is considered essential that the current application provides dedicated parking for the proposed dwellinghouse whilst maintaining the existing level of provision for the original dwellinghouse.
- 4.3 Scottish Water advise the sewer network assets and water network have adequate capacity to accommodate the proposed development. A totally separate drainage system will be required with the surface water discharged to a suitable outlet.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council has not made comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection was received raising concerns regarding the proposals. The issues raised are as follows:
- Concerns in relation to the size of the proposed dwellinghouse and its close proximity to the adjacent boundary and flatted properties;
 - The proposed decking platform would be at the same height and very close to the adjacent bedroom;
 - The proposed development would block light to the adjacent kitchen window; and
 - The proposed dwelling would not be architecturally in keeping with the surrounding area.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no specific policies of a strategic nature which are relevant to the proposals.

Bo'ness Local Plan

7a.2 Policy BNS 10 'Infill Development and Plot Sub-Division' states:

"Within the urban area, proposals for the erection of additional residential units within the curtilage of existing properties, or on small gap sites, will be considered favourably provided that, in the opinion of the District Council:

- (i) the scale, design and disposition of the proposed houses are sympathetic to neighbouring properties;*
- (ii) provision can be made for adequate garden ground associated with the proposed houses without an unacceptable reduction in the size of existing gardens;*
- (iii) the proposal respects the privacy enjoyed by neighbouring residents;*
- (iv) the proposal will not result in a loss of trees such as to cause unnecessary detriment to the amenity of the neighbourhood;*
- (v) the proposal is satisfactory in terms of access and car parking; and*
- (vi) the proposal does not constitute backland development (i.e. development of a plot without a road frontage)."*

7a.3 The scale and design of the proposed dwellinghouse would not be sympathetic to surrounding properties. The application site is located within an established residential area of Bo'ness. The predominant architectural character within the immediate vicinity of the application site comprises traditionally built detached and semi-detached dwellings within generous garden plots. North of the application site and fronting Stewart Avenue there are also terraced and flatted properties. Dwellings within the area generally have slate roofs and natural stone or render construction. Ridge lines run parallel to the road and most buildings are one or two storeys. There are some dormer extensions within the area, however these face the road or to the rear of properties.

7a.4 The proposed dwellinghouse would not harmonise with the architectural character of the area. The proposal would be 1½ storeys high with its roof ridge perpendicular to the road and a partially hipped gable fronting the road. The proposal also involves dormers to the west and east roof elevations. It is considered the detailing and in particular the partially hipped roof feature, dormers, porch and balcony details are out of keeping with the area. It is also considered that the scale and massing of the north and east elevations, owing to the level of under build, would have an overbearing effect on the lower sitting flatted and terraced properties on Stewart Avenue. It is considered that the materials would generally respect surrounding properties.

7a.5 The disposition of the proposed dwelling generally respects the settlement pattern of the area, however the proposal would be set back from the building line created by the original dwelling. Provision could not be made for adequate garden ground without an unacceptable reduction in the size of the existing garden. However the site is steeply sloping and a generous decked platform is proposed to allow a usable area for the proposed development. Given the close proximity of the dwellinghouse and raised decked platform to the mutual boundary, 2 metres, it is considered the proposed development would result in an unacceptable impact on the privacy of the adjacent properties. There would be adjacent kitchen and bedroom windows within 10-12 metres and at the same height or lower than the proposed decking platform. Although the adjacent properties (Stewart Avenue) do not face directly onto the development and are offset, it is considered the size and height of the decked platform and balcony would overlook them and result in an unacceptable impact on privacy. The proposal would not result in the loss of any trees. The proposed development is unacceptable in terms of access and parking. The development would not constitute backland development. On balance the proposal fails to comply with policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan.

7a.6 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council's Supplementary Planning Guidance, the consultation responses and the representation received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC8 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies."*

7b.3 For those similar reasons highlighted in paragraphs 7a.3, 7a.4 & 7a.5 the proposal does not accord with this policy.

Falkirk Council's Supplementary Planning Guidance Note on Housing Layout and Design

7b.4 Falkirk Council's Supplementary Planning Guidance Note on Housing Layout and Design advocates that where there is a gap site it is important to achieve a harmonious fit of new with existing and should pay attention to the adjacent building line, height, scale, window and other door arrangements, proportions and detailed decoration and materials. Tandem development is a form of infill development where one or more houses are proposed within a large garden to the side of a house fronting a road. There is a general presumption against this type of development where the concerns are as follows:

- The visual setting and continued dominance of the original house;
- The amenity and size of the resulting private gardens (minimum 9 metre length must remain); and
- The front outlook from the resulting houses.

7b.5 The visual setting and dominance of the original dwelling would not be significantly affected by the proposed development. The amenity and size of the garden for the proposed house is considered acceptable, however the development would not achieve the minimum 9 metres depth along its whole length. The outlook to the front from the proposed dwelling is satisfactory and similar to that of the existing adjacent dwellings. The proposed development would not achieve a harmonious fit with existing properties or retain a minimum 9 metres depth along its entire length and fails to accord with this Supplementary Planning Guidance

Consultation Responses

7b.6 The Environmental Protection Unit advises of the presence of gas manufacturing, a metal foundry and several other contaminative activities within 250 meters of the application site boundary. A site investigation for contamination is therefore considered appropriate.

7b.7 The Roads Development Unit has raised a concern in relation to inadequate parking requirements and an unacceptable impact on in-curtilage parking for the original dwellinghouse.

Points Raised Through Comment

7b.8 It is accepted that the proposed dwelling is in close proximity to the adjacent properties.

7b.9 It is accepted that the proposed decking platform would be at the same height and in close proximity to the rear windows of the adjacent properties.

7b.10 It is not considered that the proposed development would significantly affect the level of light to adjacent properties as a result of the orientation of the proposal, distance to the boundary and existing boundary treatment.

7b.11 The comments in relation to the proposed architecture are noted. The proposed design is discussed earlier in the report.

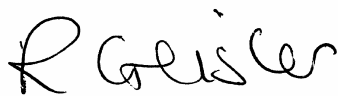
7c Conclusion

- 7c.1 This application, seeking detailed planning permission for the erection of one dwellinghouse on land to the east of 6 Erngath Road, Bo'ness, has been assessed against the Development Plan and the emerging Local Plan and has been found contrary to the terms of its policies.
- 7c.2 Matters raised in the consultation responses could be the subject of conditions of any approval of the application. The concerns of the Roads Development Unit are noted. The concern raised in the representations to the application have been noted and addressed in this report.
- 7c.3 The application is therefore recommended for refusal for the reasons set out below in paragraph 8.1.
- 7c.4 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

- (2) It is considered that the proposed development is contrary to Policy BNS 10 "Infill Development and Plot Sub-division" of the adopted Bo'ness Local Plan and Policy SC8 "Infill Development and Sub-division of Plots" of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council's Supplementary Planning Guidance on Housing Layout and Design as the scale and design and orientation of the proposed dwellinghouse fail to respect the architectural and townscape character of the area and adequate privacy would not be afforded to neighbouring properties. An acceptable level of in-curtilage parking would not be achieved without an unacceptable impact on the original dwellinghouse.



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Director of Development Services

Date: 18 February 2009

LIST OF BACKGROUND PAPERS

1. Bo'ness Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of representation from Mr Hodgins and Miss McKendrick, 72A Stewart Avenue, Bo'ness EH51 9NW on 19 December 2008

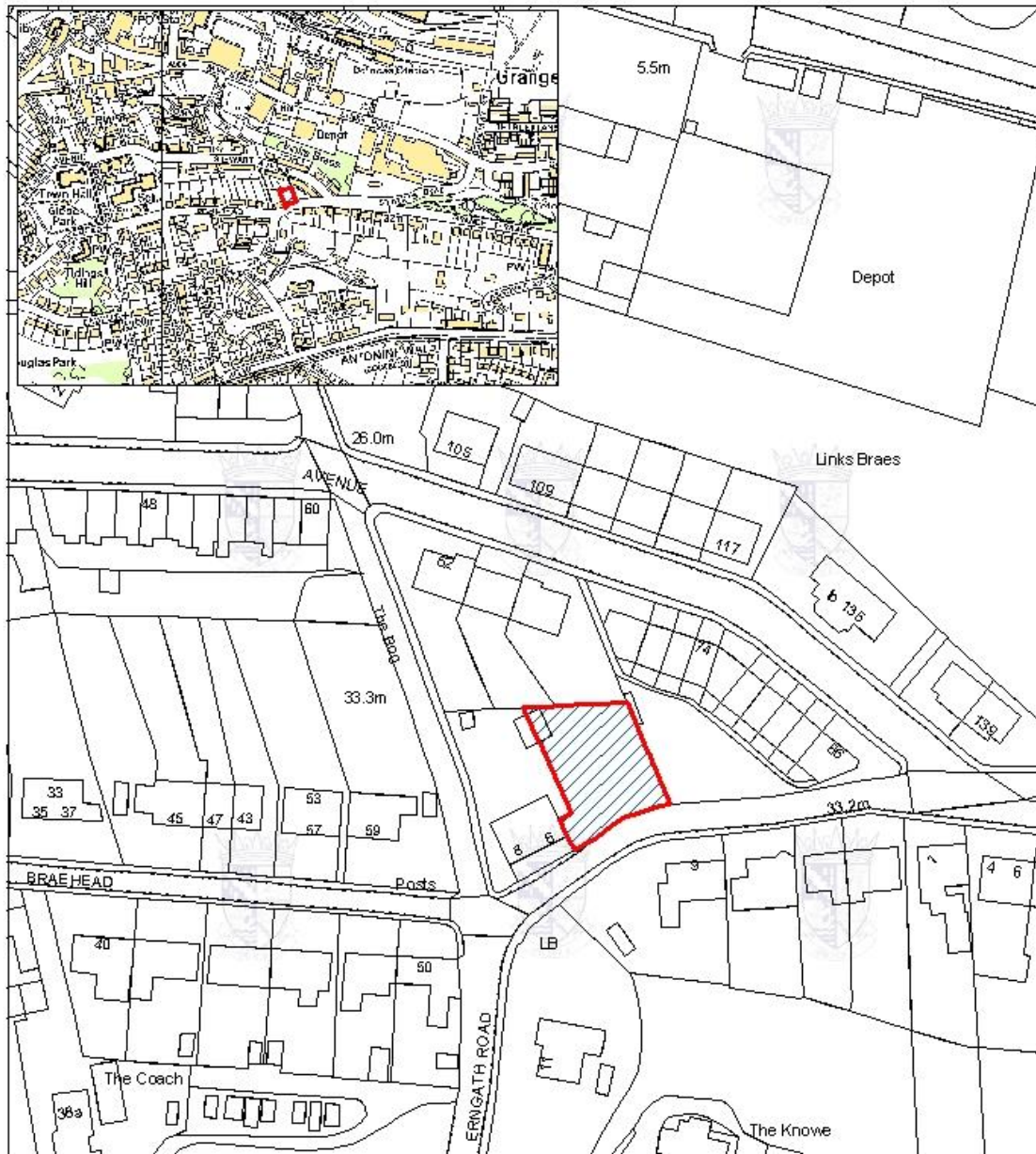
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Planning Committee

Planning Application Location Plan

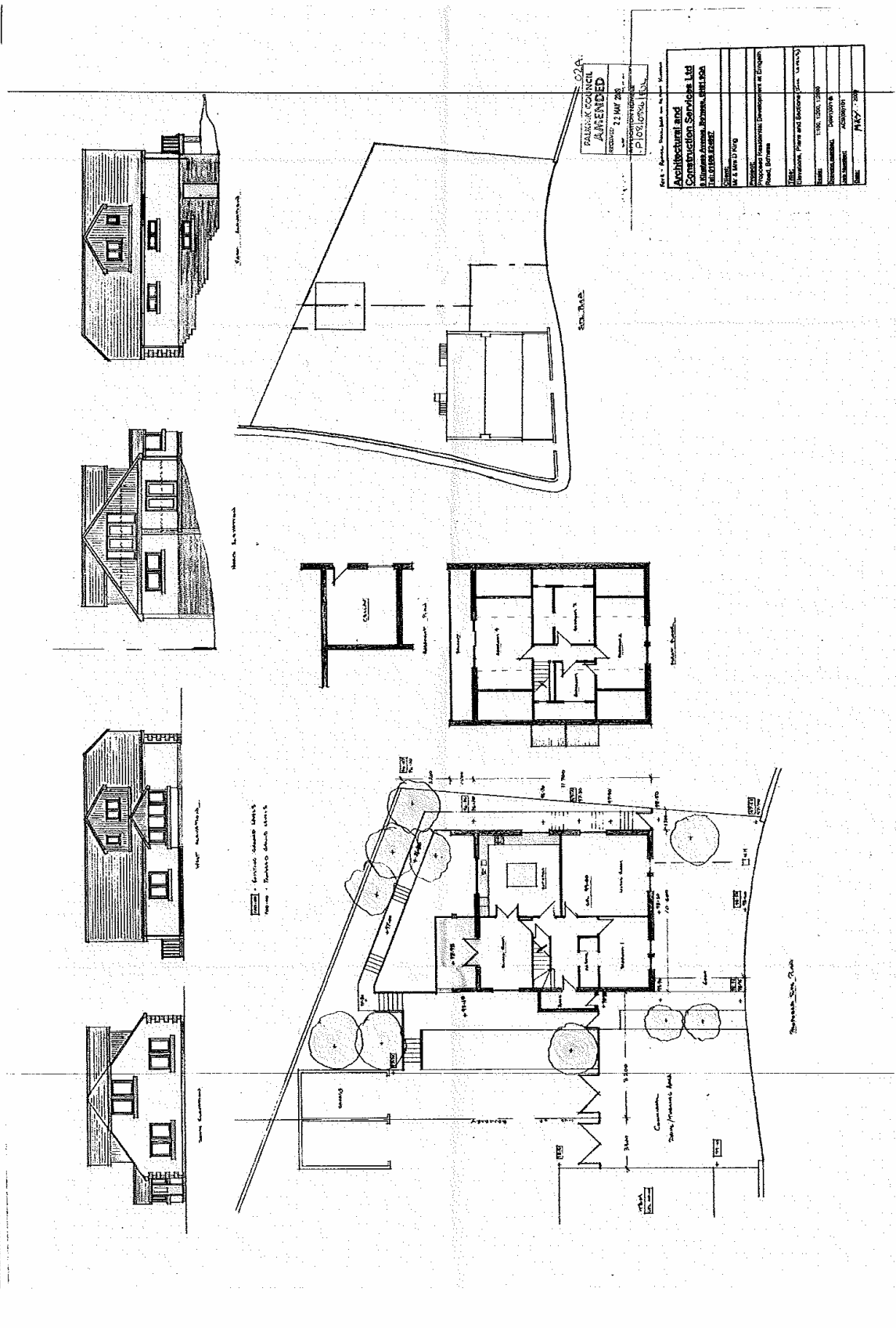
P/08/0886/FUL

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



Feldrick, Carolyn D.

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VALLEY COUNCIL
APPROVED
 Received 21 MAY 2018
 Approved 21 MAY 2018
 Planning Officer: [Signature]

Part 2: Applicant Information and Project Details

Architectural and Construction Services Ltd	
8 Riverside Avenue, Rye, East Sussex TN31 1AA	
Tel: 01323 830122	
Project Name	14 & 15a St. Mary's
Project Address	14 & 15a St. Mary's
Project Description	Proposed Development of 14 & 15a St. Mary's, Rye, East Sussex
Project Status	Approved
Project Date	21 MAY 2018
Project Reference	14/15a St. Mary's
Project Location	14 & 15a St. Mary's, Rye, East Sussex
Project Contact	14 & 15a St. Mary's