

## PLANNING AND TRANSPORTATION

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**Falkirk Council***Development Services*

Our Ref : P/09/0635/FUL/DC/AI

Please quote in all correspondence

Your Ref : SB/IH



29 April 2010

Falkirk Council  
 FAO Shona Barton  
 Committee Services Officer  
 Law and Administration Services  
 Municipal Buildings  
 Falkirk  
 FK1 5RS

Dear Madam

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**Development**      **Change of Use from Public Open Space to Private Garden Ground  
 and Erection of 1.8 m Boundary Fence (Retrospective)**

**Location**            **28 Cedar Road Banknock Bonnybridge FK4 1JQ**

**Application No.**    **P/09/0635/FUL**

I refer to the above and to your letter dated 22 April 2010, following on from the meeting of the Planning Review Committee on that date, requesting information to be provided by way of written submissions. I would advise as follows:-

21 Cedar Road, Banknock

Aerial photographs indicate that the existing boundaries date back at least 9 years. In 2005 planning permission was granted for an extension to the dwellinghouse, (05/1175/FUL), based on the boundary as it currently exists. Conditions were attached relating to the construction of the access, driveway and parking spaces. The reason being to safeguard the interests of users of the highway.

1 Cherry Lane, Banknock

Planning permission, (F/94/0957), was granted on 20 December 1994 for the change of use of public open space to private garden ground and erection of a 1.8 metres high screen fence. This was subject to a condition that the fence should not be erected forward of the front wall of the dwellinghouse. The reason being to safeguard the interests of users of the highway. The proposal was considered to be acceptable.

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2 Cherry Lane, Banknock

Aerial photographs indicate that the existing boundaries date back at least 9 years. The owner has been asked to confirm the date when the open space was enclosed in order to confirm the use as lawful. There is no record of any relevant planning application on this property.

13 Cherry Lane, Banknock

Planning permission for change of use of open space to private garden ground, (F/2001/0486), was granted on 30 August 2001 subject to conditions relating to the means of enclosure and the height not exceeding 1 metre in height in front of the building line. The reason being to safeguard the visual amenity of the area. The proposal was considered to be acceptable. It was noted that the extended area would tie in with the fence line of 40 Hazel Road to the rear of the property.

1 Hazel Road, Banknock

Aerial photographs indicate that the existing boundaries date back at least 9 years. The owner has been asked to confirm the date when the open space was enclosed in order to confirm the use as lawful. There is no record of any relevant planning application in relation to this property.

2 Hazel Road, Banknock

Planning permission (P/09/0793/FUL) was granted on 10 January 2010 for an extension to the dwellinghouse, (this is now under construction), based on the existing boundaries of the property.

3 Hazel Road, Banknock

Aerial photographs indicate that the existing boundaries date back at least 6 years. The owner has been asked to confirm the date when the open space was enclosed and has been advised that a retrospective planning application may be required. There is no record of any relevant planning application in relation to this property.

5 Hazel Road, Banknock

Aerial photographs indicate that the existing boundaries date back at least 9 years. The owner has been asked to confirm the date when the open space was enclosed in order to confirm the use as lawful. There is no record of any relevant planning application.

9 Hazel Road, Banknock

Planning permission for change of use from public open space to garden ground was granted on 13 December 2006. The application was submitted retrospectively. In the assessment of the application it was considered that significant weight be attracted to Policy SC12 "Urban Open Space" of the Falkirk Council Local Plan (Finalised Draft) with which the proposal was considered to accord with. Permission was granted subject to conditions relating to enclosures, use of the site for domestic purposes, and the construction of the footway crossing. The reasons being to safeguard the visual amenity of the area, ensure use for domestic purposes and to safeguard the interests of uses of the highway.

13 Willow Drive, Banknock

Planning permission for change of use of public open space to private garden ground, (F/98/0328), was granted on 5 November 1998.

A previous application, (F/97/0342), relating to a larger area of open space had been refused planning permission in August 1997 and a subsequent appeal to the then Secretary of State for Scotland was dismissed. An assessment of the subsequent application concluded that although it formed part of an amenity open space required for the overall benefit of the residents in the area, it did not form a significant part. Permission was granted subject to conditions relating to means of enclosure and that the extended area only be used for domestic purposes. The reasons being to safeguard the amenity of the area and to control the future use of the site.

2 Hawthorn Drive, Banknock

Planning permission for the change of use from public open space to private garden ground and extension to dwellinghouse, (F/2003/0220), was granted planning permission on 24 June 2003.

In the assessment of the application it was considered that the area of open space involved was excessive and would likely result in the refusal of the application. The area was reduced in size and was therefore considered to be acceptable. Planning Permission was granted subject to a condition relating to enclosures. The reason being to safeguard the amenity of the area.

14 Wellpark Road, Banknock

Planning permission for change of use of public open space to provide garden ground and formation of access was refused planning permission on 27 December 2002. In the assessment of the application it was considered that there was no concern in relation to the formation of the vehicle access, however, it was considered that the proposal involved a substantial area of open space and its loss would have an adverse impact on the visual amenity of the area. A subsequent appeal was dismissed on 1 September 2003 in relation to the change of use of public open space, but allowed in relation to the formation of an access. This being subject to conditions in relation to the construction of the access, and that the access should not be used for the parking/storage of vehicles or any other item. The reasons being to ensure appropriate standards of construction and continued maintenance of the public open space, and also in the interests of road safety.

1 Willow Drive, Banknock

Aerial photographs indicate that the garage has been in place for at least 9 years and there is no record of any planning application being made in relation to this property since 1990. It would appear that the construction of this garage would constitute permitted development

1 Laburnam Road, Banknock

Planning permission for the erection of a garage was granted on 6 April 1993. The garage was required to accommodate the applicant's fish and chip van, and it was considered that whilst a garage of this size and design at a corner location would not normally be given favourable consideration, there were special circumstances in this case. Conditions relating to access, construction materials and use of the garage to be restricted to the storage of a vehicle for the owner of the dwellinghouse were imposed. The reasons being to safeguard the interests of users of the highway and the visual amenity of the area, and also to restrict the use of the garage.

For information purposes I enclose a plan which highlights the properties referred to above.

I trust this clarifies matters.

Yours faithfully



Donald Campbell  
Development Management Co-ordinator

Copy To:

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