

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU, FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 1 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer), ext. 4704

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 19 November 2010.
2. At the site visit, Members viewed the rear of the property and surrounding area.
3. The applicant's agent was heard in support of the application and advised that, in his view, the proposed extension would be in keeping with the property, character of the area, and be in accordance with the Development Plan and relevant guidance. Following the site visit he has confirmed that his client intends to fell the mature birch tree within the garden ground to allow more light into the neighbour's garden.
4. Following clarification in relation to window details, the objection received from 15 Russel Street was withdrawn. The objector from 19 Russel Street was heard, and clarification given in relation to impact on daylight and overshadowing. Other matters were clarified as being non-material in planning terms.
5. A Local Member, Councillor Cecil Meiklejohn, was heard in relation to the proposal.
6. It should be noted that there have been a number of similar proportioned extensions to dwellinghouses in the surrounding area over recent years.

7. No matters were raised which would amend the original recommendation to grant planning permission.

8. It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010.
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 3 November 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Falkirk North

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer), ext 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application relates to a one and a half storey semi-detached property at 17 Russel Street, Falkirk, within an area of well established residential character to the north of Falkirk Town centre. Within this area many of the properties have been extended. The proposal would provide accommodation over 2 levels, providing kitchen and utility at ground floor and bedroom accommodation at first floor. A single storey extension to provide dining accommodation is also proposed. The proposed extension would sit at a lower level than the existing roofline and windows are proposed in the rear facing elevation, with roof lights proposed in the side elevation at first floor level.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Cecil Meiklejohn.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the application, and recommends informatives in relation to working hours and contaminated land.

4.2 The Roads Development Unit has no objection to the application.

5. COMMUNITY COUNCIL

5.1 The Grahamston, Middlefield and Westfield Community Council has made no representation.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection were received, raising the following issues:

- Invasion of privacy and obstruction of daylighting.
- Overshadowing of the rear of the neighbouring property.
- Impact on the shared chimney stack.
- Restriction of central heating ventilation to the neighbouring property.
- Restriction of views from the neighbouring property, which would look into the side of the proposed extension.
- Excess water would run down the roof of the neighbouring property.
- Loss of daylighting afforded to the rear garden ground of neighbouring 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

Falkirk Council Structure Plan

7a.1 There are no policies in the Structure Plan that relate to this proposal, and no strategic issues require to be addressed.

Falkirk Local Plan

7a.2 Policy FAL 5.7 'Extensions and Alterations to Residential Properties' states:

"The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house."

7a.3 It is considered that the proposed extension would respect the character of the existing dwellinghouse and those in the surrounding area in terms of scale, design and materials. There are a number of properties in the surrounding area which have been extended in similar fashion to this proposal. It is therefore considered that the proposal accords with the terms of Policy FAL 5.7 of the Falkirk Local Plan.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft – (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010), the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations (SPG) and the letters of objection received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' 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, or the unacceptable loss of off-street parking.”*

7b.3 It is considered that the proposed extension would be sympathetic in terms of scale, design and materials to the existing dwellinghouse. The proposal is not considered to adversely affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties and would not result in overdevelopment of the plot.

7b.4 Policy EQ13 - 'Areas of Townscape Value' states:

“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

7b.5 The application site lies within an area identified as being of townscape value, and it is considered that the architectural style, massing and materials of the proposed extension are acceptable.

- 7b.6 The proposal is therefore in accordance with the terms of the emerging Falkirk Council Local Plan.

Falkirk Council Supplementary Planning Guidance (SPG) Note on House Extensions and Alterations

- 7b.7 The SPG states that the concealed location of a rear extension means that the main planning concern is with garden amenity, privacy and internal daylighting, and that additional accommodation should not generally be greater than 50% of the existing ground floor area, should appear the same or of a smaller scale than the main house, be set in from any side of it, and the proportion of new solid walls to window openings should continue the existing pattern. The proposal is considered to accord with the terms of the Supplementary Planning Guidance in relation to these matters.
- 7b.8 Controls relating to overlooking, overshadowing, and the proportional relationship of the extension to the existing dwellinghouse should ensure that an adequate standard of enclosed private garden is retained. The proposal is considered to accord in this regard, as only 7m² of ground floor area is proposed, and no part of the extension would encroach beyond 5.5m of the rear garden boundary.
- 7b.9 In establishing measures to prevent overlooking, the privacy of the house is considered of greater importance than that of the garden. The minimum distance between windows to habitable rooms and/or conservatories directly facing each other should be at least 18m. Where an extension is 1½ or 2 storey there should not be any side windows to habitable rooms, to avoid a precedent which may be the cause of neighbourhood dispute. Windows on the rear elevation at first floor level or in roof light form should be considered instead.
- 7b.10 In this case, there would be a distance of 50m between windows on the rear elevation and the rear of properties on Grahams Road. The windows into bedroom accommodation on the side elevation would be roof lights and are considered to be acceptable. There would be a distance of 7.6m between the extended property at 15 Russel Street and the proposed extension, and these would not face onto any habitable windows. The proposal is considered to accord with regards to privacy and overlooking.
- 7b.11 In terms of overshadowing, extensions should not extend beyond the rear building line beyond either a line drawn at 45 degrees from the mid-point of the nearest ground floor window on the rear building line, or a maximum of 3.5m from the rear building line of the house, whichever allows for greater development. For an extension where the side elevation faces onto a neighbouring house, windows to a habitable room should be more than 4m away. The proposal accords with the SPG in this regard.
- 7b.12 Consequently, the proposal accords with the Supplementary Planning Guidance Note on House Extensions and Alterations.

Letters of Objection

- 7b.13 The proposal is considered to accord with Supplementary Planning Guidance in relation to privacy and daylighting.
- 7b.14 The proposal is considered to accord with Supplementary Planning Guidance in relation to overshadowing.

7b.15 The proposed extension would be located 0.2m from the chimney, and is not considered to have an adverse impact. In any case, this is not a material planning consideration.

7b.16 Any restriction to ventilation and loss of view are not material planning considerations.

7b.17 Potential discharge of water onto the roof of the neighbouring property is not a material planning consideration.

7c Conclusion

7c.1 The proposed development accords with the terms of the Development Plan and the emerging Falkirk Council Local Plan.

7c.2 There are no material planning considerations which would warrant refusal of planning permission.

8. RECOMMENDATION

8.1 It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.**
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For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
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Planning Committee

Planning Application Location Plan

P/10/0622/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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