

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0692/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **1 February 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Bonnybridge and Larbert**
Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: **Larbert, Stenhousemuir and Torwood**

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of a dwellinghouse within the rear garden area of an existing detached dwellinghouse. The proposed single storey dwellinghouse would measure some 30 metres long, 10 metres in width and have an off-shoot measuring some 15 metres by 5 metres. A detached garage of 6.6 metres by 6.6 metres is also proposed. The proposed dwelling would have 3 bedrooms, games room, kitchen, principal lounge and family dining area. A covered terrace would also partially extend along the exterior.
- 1.2 The dwelling is proposed within the rear garden area of Glen House, Glen Road, Torwood but is also to the rear of Torwood Tower and Torwood Cottage, Torwood.
- 1.3 The application is accompanied by a Tree Survey of the site.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Planning application P/11/0347/FUL – erection of dwellinghouse – was refused by the Planning Committee on 2 September 2011.
- 3.2 Planning application 05/1069/OUT – erection of dwellinghouse – refused 18 October 2006. This site included part of the site which is the subject of the current application.

- 3.3 Planning application 05/1068/OUT – erection of dwellinghouse – refused 11 October 2006. This site included part of the site which is the subject of the current application.
- 3.4 F/2004/0015 – development of land for housing purposes (outline) - granted 22 April 2005. This covered part of the site which is the subject of the current application. Subsequent applications for the erection of 2 dwellinghouses (F/2005/0099 and F/2005/0100) received approval of reserved matters on 19 April 2005. These dwellinghouses (Torwood Tower and Torwood Cottage) have been constructed and front onto Glen Road with the site of this application to the rear.

4. CONSULTATIONS

- 4.1 Scottish Water has no objections, but does not guarantee a connection to Scottish Water's infrastructure.
- 4.2 Falkirk Council's Roads Development Unit have no objections, but request that if permission is granted, planning conditions are imposed regarding access width, gate openings and in-curtilage car parking spaces.
- 4.3 Falkirk Council's Environmental Protection Unit have no objections, but request that if the proposal is granted, planning conditions are imposed regarding contaminated land.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received.

6. PUBLIC REPRESENTATION

- 6.1 1 letter of objection has been received, commenting:-
- The proposal is backfill, contrary to local/structure plans.
 - Loss of privacy to existing properties.
 - Existing trees between the new development and the proposed should be retained.
 - The proposed access is a hazard to traffic on the main road.
 - Additional noise will be created by the construction of the proposed house.

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 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The application site lays outwith the urban envelope of Torwood and, as such, can be designated as countryside. Consequently, the applicant has failed to demonstrate that a new dwellinghouse within this countryside location is essentially required or is an appropriate form of agricultural diversification.

Falkirk Council Local Plan

7a.3 Policy EQ19 - ‘Countryside’ states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
 - *they constitute appropriate infill development; or*
 - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
 - *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
 - *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.4 The urban and village limits represent the desirable limit to the expansion of settlements and the application site is clearly outwith the Torwood village envelope. Consequently, the site is classified as countryside and the proposal has no supporting information which would lead to the conclusion that the dwellinghouse requires a countryside location, constitutes appropriate infill development or will utilise suitable existing buildings.

7a.5 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.6 It appears that the applicant has recently removed, prior to determination, about 50 trees recorded on the survey submitted along with this application, with only 21 on the survey remaining on the application site. Although the loss of trees is regrettable, the trees in question are not the subject of Tree Preservation Orders and therefore not under the control of planning legislation. The proposals do retain tree coverage which predominantly is on the site boundaries. On balance, the proposal accords with this policy.

7a.7 Policy SC3 - 'Housing Development In 'The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*

- *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
- *The restored or converted building is of comparable scale and character to the original building*
- *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

(3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7a.8 In this instance, the proposal could not be considered to accord with the terms of the above policy, not least given the lack of essential justification. In addition, the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings, as the proposal would result in backland development (development of land behind the rear building line of existing housing or other developments, is usually land that is formally used as gardens and often, but not in all cases, does not directly front a road).

7a.9 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.”*

7a.10 In this instance, the scale and disposition of the proposed house does not respect the architectural character of the area as it constitutes backland development and does not comply with other Local Plan policies.

7a.11 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The issues to be considered are the points raised by objectors and comments received through consultation.

Points Raised by Objectors

7b.2 In consideration of the points raised:-

- It is agreed that the development of the site would constitute an unacceptable form of backland development and is, therefore, unsuitable for further housing development.

- Existing woodland has been subject to felling.
- It is agreed that vehicular access to the site is restricted, but not incapable of being utilised for construction purposes.
- Noise from construction may be subject to monitoring by the Environmental Protection Unit.
- Loss of view to existing residents is not a material planning consideration.

Points Raised Through Consultation

7b.3 Matters raised through consultation may be adequately addressed through planning conditions, should the proposal be approved.

7c Conclusion

7c.1 It is recognised that part of the applicant's garden ground lies outwith the village envelope as defined in the Falkirk Council Local Plan and, as such, the proposal offends policy with regard to new development in the countryside. However, in addition, the scale of the new development, combined with the positioning of the dwelling behind existing dwellings, offend policy relating to the appropriate setting of new development. The loss of some existing landscaping is unfortunate, but not preventable through planning legislation.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reasons:-

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 – Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 – Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location.
- (2) The proposal is contrary to Falkirk Council Local Plan policies SC3 – Housing Development in the Countryside – in that the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings and would, if approved, result in backland development, all to the detriment of the architectural character of the area.

- (3) The proposal is contrary to Falkirk Council Local Plan Policy SC8 – Infill Development and Sub-division of Plots – in that the proposed house does not respect the architectural character of the area, in terms of scale and would result in backland development, all of which would constitute an undesirable precedent which could not reasonably be resisted in similar circumstances.

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Director of Development Services

Date: 24 January 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection from Gordon and Isabel Lawton, Hollings Cottage Glen Road Torwood Larbert on 7 November 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0692/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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