

FALKIRK COUNCIL

Subject: SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT 92 BANKHEAD CRESCENT, DENNYLOANHEAD, BONNYBRIDGE FK4 1RX FOR MR BARRY SAVILLE - P/13/0754/FUL

Meeting: PLANNING COMMITTEE

Date: 26 March 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 February 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. This took place on 10 March 2014.
2. The case officer summarised the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant spoke in support of the application, explaining that he wished to develop the large side garden of his property. The proposed dwellinghouse would be for his daughter and the original dwellinghouse would be renovated and upgraded as part of the development proposals.
4. Members of the Planning Committee viewed the application site and application drawings.
5. Members of the Planning Committee, as well as Local Members, were given an opportunity to raise questions regarding the proposal. Clarification was sought in relation to the location of the proposed house, garden area, footpath, window arrangement and its relationship with the original house.

6. Members of the Planning Committee raised the appropriateness of the proposed angled frontage of the dwellinghouse. The applicant advised that he may submit an amended plan showing an amended frontage, this would be in line with the existing frontage, should planning permission be granted. The case officer advised that this could be considered as a non-material variation, subject to a technical assessment of the proposed amendment.
7. Councillor Blackwood, as Local Member, commented that the proposed development would look like an extension to the existing row of terrace properties and as such supported the development. Councillor Oliver as Local Member sought clarification in relation to the arrangements for off-street parking and a dropped kerb, raising concerns in relation to existing parking pressures within the local area. Concern was raised that the proposed development would exacerbate existing parking and road safety concerns as the proposed access arrangements would prevent on-street parking.
8. The case officer confirmed that the proposed development included off-street parking for the proposed house and a new off-street parking area for the existing house to the front of the property was shown on the submitted block plan. As Bankhead Crescent is not a classified road the driveway for the existing house does not require planning permission, however Members were advised that, should they decide to approve the planning application, a condition requiring development of the driveway within a reasonable timescale could be applied.
9. The Planning Committee queried planning guidance in relation to minimum percentages or plot ratios for new dwellinghouses. The case officer referred to the Supplementary Planning Guidance Note (SPG) on 'Housing Layout and Design' which recommends that proposed rear gardens for new houses (including the donor property) are a minimum of 9 metres long. Officers also advised that proposed garden areas (curtilages) for new houses are assessed in relation to the settlement pattern of the surrounding residential area.
10. It should be noted that the SPG on 'House Extensions and Alterations' talks about usable garden ground. It advises as a general rule, that development should not exceed 25% of the original enclosed garden and should not encroach beyond 5.5 metres of the rear garden boundary. Whilst it is noted that this guidance relates to house extensions, it seeks to ensure that an adequate standard of garden ground is maintained post development and could be considered relevant to this application involving the sub-division of an existing garden. It is considered that the proposed development fails to accord with the guidance contained within Falkirk Council's Supplementary Planning Guidance.
11. No matters were raised which would amend the original recommendation to refuse planning permission.

12. RECOMMENDATION

12.1 It is therefore recommended that Committee refuse planning permission for the following reasons:

- (1) The application proposes the erection of a dwellinghouse in a location where a legitimate opportunity fails to exist and would not be integrated successfully into the surrounding urban fabric. The disposition and design of the proposed development fails to accord with the townscape character or settlement pattern of the area and would result in an incongruous development, all to the detriment of the residential amenity of the area, contrary to policies EQ1 'Sustainable Design Principles', SC02 'Windfall Housing Development Within the Urban/Village Limit' and SC08 'Infill Development and Subdivision of Plots' of the Falkirk Council Local Plan and Falkirk Council's Supplementary Planning Guidance.
- (2) The disposition and design of the proposed development would fail to respect the townscape character of the area or achieve a satisfactory level of residential amenity, contrary to policies HSG03 'Windfall Housing', HSG05 'Infill Development and Subdivision of Plots' and DO2 'Sustainable Design Principles' of the Proposed Falkirk Local Development Plan.

Informative(s):

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

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Director of Development Services

Date: 14 March 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan
2. Falkirk Local Development Plan (Proposed Plan)
3. Supplementary Planning Guidance Note on Housing Layout and Design

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of a two storey, end terrace, dwellinghouse in the side garden of 92 Bankhead Crescent, Dennyloanhead. The application site is located within an established residential area and vehicular access would be taken from the front of the site on to Bankhead Crescent.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Jim Blackwood.

3. SITE HISTORY

- 3.1 None of relevance to the application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit do not object to the proposed development and advise of conditions to be attached to any granting of planning permission.
- 4.2 Scottish Water have no objection.

4.3 The Environmental Protection Unit have no objection.

5. COMMUNITY COUNCIL

5.1 The Denny and District Community Council did not make comment.

6. PUBLIC REPRESENTATION

6.1 During consideration of the application, no letters of objection or representation were received.

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 relevant policies within the Falkirk Council Structure Plan

Falkirk Council Local Plan

7a.2 Policy EQ1 'Sustainable Design Principles' states:

"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

7a.3 It is considered that the proposed development fails to achieve a high standard of design quality as the siting and design of the proposed development would fail to respond positively and sympathetically to the site's surrounding. The applicant has not demonstrated that the proposed development would accord with principles of sustainable development. The application fails to accord with policy EQ1 'Sustainable Design Principles'

7a.4 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7a.5 Policy SC2 'Windfall Housing Development within the Urban/Village Limit' sets out criteria for the successful integration of windfall housing in the urban area. The proposed residential use is compatible with the surrounding established residential area, however it is considered that a satisfactory level of residential amenity would not be achieved. The site enjoys good accessibility by public transport, recreation and community facilities and existing infrastructure is readily available. The application fails to accord with other Local Plan policies, namely policies EQ1 and SC8 and as such fails to accord with the terms of policy SC2.

7a.6 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.7 Policy SC8 'Infill Development and Subdivision of Plots' seeks to prevent insensitive infill, whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric. It is considered that the scale and density of the proposed dwellinghouse would generally respect the character of the area, the proposed footprint and ridge height being similar to that of the original house and surrounding properties. It is, however, considered that the disposition and design of the proposal would result in an incongruous addition to the terrace of adjacent houses and the wider established residential area

Character of Area

- 7a.8 The application site is located in an established residential area characterised by two storey, terrace and semi-detached dwellinghouses, with linear gardens at right angles to the public road. Relatively large side gardens at corner plots, as seen at the application site, are also characteristic of the area. The architectural character of the area relates to modest, rendered buildings with flat facades.

Settlement Pattern

- 7a.9 The proposed development would fail to respect the settlement pattern of the area, being proposed in the side garden of the original house and at a prominent corner where Bankhead Crescent and Elmbank Crescent meet. It is noted that the rear elevation of the proposed house would be almost hard on to the mutual boundary with 1 Elmbank Crescent, except for an (approximately) 1 metre wide footpath. It is also noted that the private garden ground for the proposal would be to the side of the house (the proposal having no rear garden), fronting onto Elmbank Crescent. The proposed private garden would only be approximately 4.3 metres deep (at its widest point) by 6.9 metres, smaller than is generally found in the wider residential area.
- 7a.10 It is considered that the location of the proposed private garden, in what is a front garden area onto Elmbank Crescent, would be unacceptable. The applicant has not given details of proposed boundary enclosure for the private garden, however, it is assumed that a fence or wall, higher than 1 metre would be required. This would not be in keeping with the open nature of surrounding front gardens.

Design

- 7a.11 It is considered that the proposed design would not respect the architectural character of the area, particularly in relation to the proposed angled frontage and projecting gable feature. It is considered that the location of the dwellinghouse, sitting in front of the building line onto Bankhead Crescent and Elmbank Crescent, would result in a dominating and incongruous addition to the street scene.

Residential Amenity

- 7a.12 It is considered that the proposed development would lead to an unacceptable impact on the residential amenity of the surrounding area for the reasons discussed in this report. Further, the proposed house has been designed to minimise privacy issues in relation to the adjacent property at 1 Elmbank Crescent, a utility room and upper bathroom being the only windows on the rear gable elevation. However, the impact of the two storey gable, in such close proximity to the mutual boundary, would result in a dominating and overbearing development.
- 7a.13 In conclusion, it is considered that although the proposal would not result in the loss of any features such that the character or amenity of the area would be adversely affected, the disposition and design of the proposal would result in an incongruous addition to the established residential area. The proposal fails to accord with other Local Plan policies, namely policies EQ1 and SC2 and fails to accord with policy SC8.
- 7a.14 Accordingly the application fails to accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are Falkirk Council's Supplementary Planning Guidance and the Proposed Falkirk Local Development Plan.

Proposed Falkirk Local Development Plan

- 7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 Policies HSG03 'Windfall Housing', HSG05 'Infill Development and Subdivision of Plots' and DO2 'Sustainable Design Principles', reinforce the relevant policies of the Development Plan. Accordingly, the application fails to accord with the Proposed Falkirk Local Development Plan.

Falkirk Council Supplementary Guidance

- 7b.4 Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design' advises that infill development is required to achieve a harmonious fit with existing properties, with particular reference to adjacent building line, height, scale, window and door arrangements, proportions and detailed decorations. The note also advises that the amenity and size of resulting private gardens is a concern with a minimum of 9 metre length garden ground required.
- 7b.5 It is considered that the proposed development would not achieve a harmonious fit with existing properties and would fail to achieve the minimum garden length requirements as set out in the guidance note. The application fails to accord with Falkirk Council's Supplementary Planning Guidance.

7c Conclusion

- 7c.1 The application has been assessed as being contrary to the Development Plan, Proposed Falkirk Local Development Plan and Supplementary Planning Guidance. No issues have been raised that would warrant approval of the application, contrary to the terms of the Development Plan and the application is therefore recommended for refusal of planning permission.

8. RECOMMENDATION

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

- (1) The application proposes the erection of a dwellinghouse in a location where a legitimate opportunity fails to exist and would not be integrated successfully into the surrounding urban fabric. The disposition and design of the proposed development fails to accord with the townscape character or settlement pattern of the area and would result in an incongruous development, all to the detriment of the residential amenity of the area, contrary to policies EQ1 'Sustainable Design Principles', SC02 'Windfall Housing Development Within the Urban/Village Limit' and SC08 'Infill Development and Subdivision of Plots' of the Falkirk Council Local Plan and Falkirk Council's Supplementary Planning Guidance.
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Planning Committee

Planning Application Location Plan

P/13/0754/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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