

**FALKIRK COUNCIL**

**Subject:** ERECTION OF PERGOLA AND SECTION OF LATTICE FENCING (RETROSPECTIVE) AT 26 GRANGEBURN ROAD, GRANGEMOUTH, FK3 9AA, FOR MR THOMAS PATERSON  
**Meeting:** PLANNING COMMITTEE – P/15/0370/FUL  
**Date:** 15 SEPTEMBER 2015  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Grangemouth

Ballie Joan Paterson  
Councillor Allyson Black  
Councillor David Balfour  
Councillor Robert Spears

**Community Council:** No Community Council

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site comprises a semi-detached, 2 storey dwellinghouse in the established residential area of Grangeburn Road, Grangemouth.
- 1.2 This application relates to the erection of a single storey pergola, in the rear garden. The pergola has been built. This application has been submitted in retrospect. The pergola is attached to the rear elevation and is of timber construction with a plastic sheet roof and section of wooden lattice between the existing fence and new roof.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in for consideration by the Planning Committee at the request of Councillor John McLuckie.

**3. SITE HISTORY**

- 3.1 05/0403/FUL - Erection of attached domestic garage - granted on 25 July 2005, development implemented.
- 3.2 An enforcement complaint (Ref: ENF/2015/0112) was received on 25 May 2015 in relation to the unauthorised erection of the pergola. Following a site visit it was found that the structure did need planning permission and a planning application was invited, the application being submitted shortly thereafter.

## **4. CONSULTATIONS**

- 4.1 No consultations were carried out on this proposal.

## **5. COMUNITY COUNCIL**

- 5.1 There is no active Community Council covering the Grangemouth area.

## **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 2 contributors submitted letters to the Council. One letter is in support of the development, the other is a letter of objection. The issues raised by the objection are summarised below:

- The applicant has tried to undermine the legal planning process and acted to save money by not submitting the planning application or required fee;
- If a complaint had not been made to the planning department the applicant would have 'got away with it';
- The development towers above the existing mutual fence;
- The development is not in-keeping with the area;
- The development would block sunlight from the neighbouring property;
- The applicant has also erected a lattice to the top of his fence with climbing ivy, which also blocks out sunlight; and
- The applicant has not acted fairly, reasonable or proportionate in his actions and the application should be refused and enforcement action taken to ensure the pergolas removal.

## **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 Falkirk Local Development Plan**

- 7a.1 The Falkirk Local Development Plan (FLDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Planning Guidance documents which now have statutory status.

- 7a.2 Policy HSG07 – ‘House Extensions and Alterations’ states:

*“Extensions and alterations to houses 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, unacceptable loss of off-street parking, or road safety issues.*

*Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 ‘House Extensions and Alterations’.”*

- 7a.3 Policy HSG07 'House Extensions and Alterations' seeks to ensure that alterations and extensions to residential properties do not individually or cumulatively detract from the environment of residential areas.
- 7a.4 This application relates to the erection of a wooden pergola with plastic sheet roof and section of lattice fencing, in the rear garden and attached to the rear elevation of the property. The application is retrospective, being completed before a planning application was submitted. It is considered that the scale, design and materials are sympathetic to the existing building. It is considered that the pergola would not affect the privacy of neighbouring properties. It is noted that the design of the development and in particular its height, open construction and use of a plastic sheet roof would not significantly affect the degree of amenity or daylight enjoyed by neighbouring properties. The proposal would not result in an over development of the plot or affect existing off-street parking arrangements. The application is assessed as being in accordance with policy HSG07.
- 7a.5 It is considered that the development accords with the guidance contained in Supplementary Planning Guidance SG03 on 'Residential Extensions and Alterations', as it is considered that the development is sympathetic to the dwelling and its surroundings in terms of scale, positioning, detailing and materials. The location, height and extent of the development are in accordance with advice in relation to overshadowing and loss of light.
- 7a.6 Accordingly, the proposal accords with the Falkirk Local Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are assessment of public representations and permitted development rights.

### **Representations**

- 7b.2 The perceived intention or otherwise of the applicant in relation to the retrospective development is not a material planning consideration. It is, however, noted that the applicant promptly submitted an application, at the request of the Council.
- 7b.3 It is accepted that the Council would be unaware of the development, if a complaint had not been received.
- 7b.4 The roof of the pergola sits approximately 0.7 metres above the existing 1.8 metre high boundary fence. The height is defined by the applicant's rear patio doors and is therefore the minimum height required to allow clearance from the rear doors. It is not considered that the development 'towers' above the existing fence.
- 7b.5 The design of the pergola, with plastic sheet roof and wooden structure allows light to reach the neighbouring property. As such it is not considered that the development blocks light, as observed during visits to the site. The objector has submitted photographs, which it is considered demonstrate that there is not a significant loss of light to the neighbouring property.
- 7b.6 The addition of a lattice to the top of the fence with climbing ivy is noted and is considered acceptable.
- 7b.7 An application cannot be refused on the grounds that development has been carried out and permission sought in retrospect. Each application is assessed on its own merits in accordance with the Development Plan, unless material planning considerations indicate otherwise. The alleged actions of the applicant are not a material planning consideration in the assessment of this application.

- 7b.8 If the application is refused and the applicant unsuccessful in any resulting appeal, the Planning Authority would consider enforcement action, where appropriate.

### **Permitted Development Rights**

- 7b.9 Class 1A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, as amended, allows single storey extensions to be built without an application to the Council for planning permission, provided a number of conditions are met. Planning permission is needed in this instance because the area of ground covered by the pergola, when added to existing areas of hard surface and the footprint of an existing garage, exceeds the permitted development allowance in Class 1A. In all other respect, including the height and position of the pergola, the development complies with the conditions in Class 1A.

### **7c Conclusion**

- 7c.1 The application has been assessed as being in accordance with the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance. The comments received by third parties are noted, but do not outweigh the provisions of the Development Plan and as such the application is recommended for approval.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Committee grant planning permission.

### **Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear out online reference number(s) 01A, 02 – 08.

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**Director of Development Services**

**Date: 2 September 2015**

### **LIST OF BACKGROUND PAPERS**

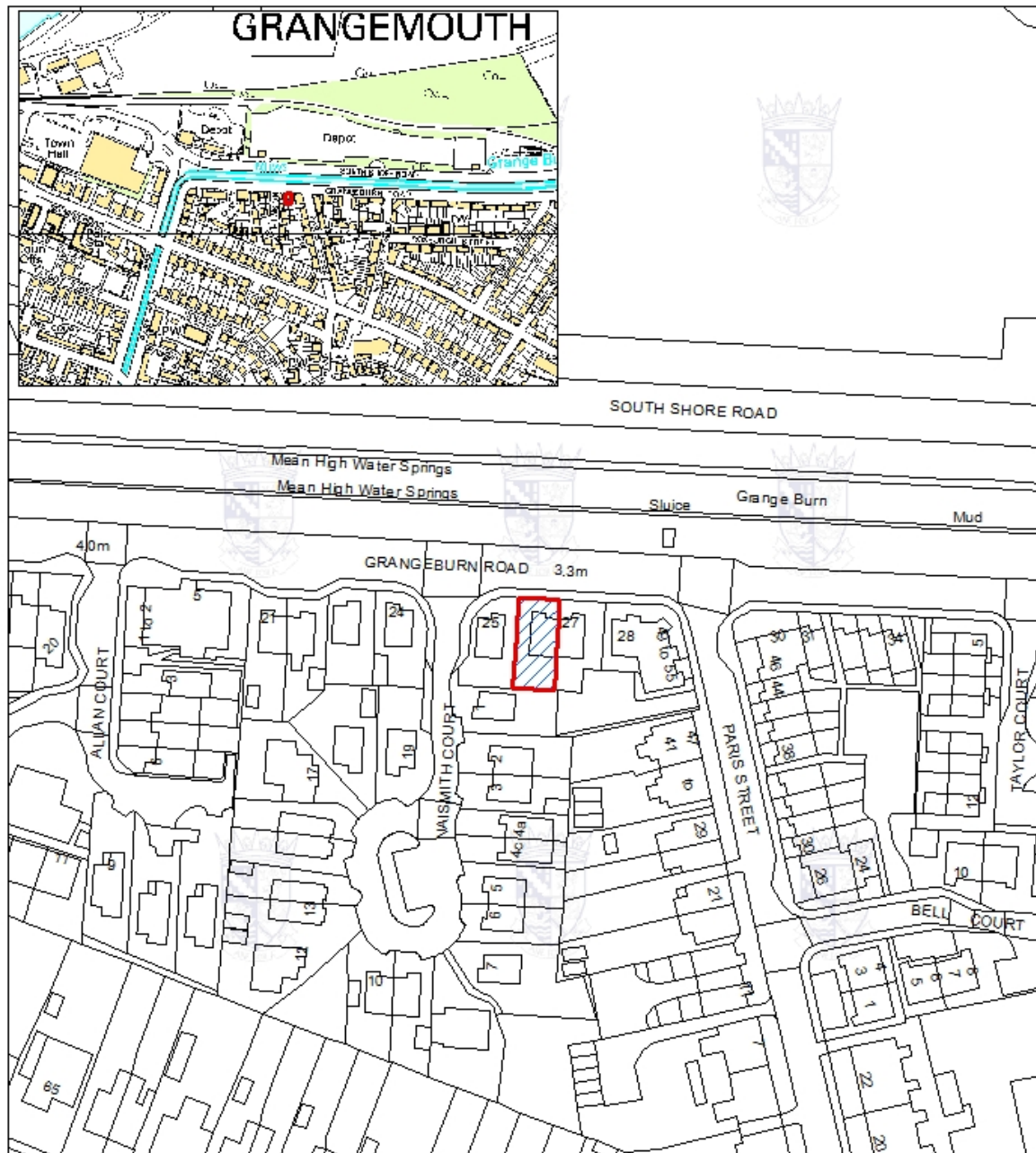
1. Falkirk Local Development Plan, July 2015
2. Supplementary Planning Guidance SG-3 'Residential Extensions and Alterations'
3. Letter of Support received from Mrs Lesley Kidd, 55 Paris Street, Grangemouth, FK39BN on 17 June 2015
4. Letter of Objection received from Alan & Valerie Nimmo, 27 Grangeburn Road, Grangemouth, FK3 9AA, on 25 June 2015

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/15/0370/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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