



AGENDA ITEM

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**ERECTION OF OUTBUILDING
(RETROSPECTIVE) AT 28
DROVER ROUND, LARBERT, FK5
4TT, FOR MR MARTIN WILLIAM
BRENNAN - P/15/0713/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING (RETROSPECTIVE) AT 28 DROVER ROUND, LARBERT, FK5 4TT, FOR MR MARTIN WILLIAM BRENNAN - P/15/0713/FUL
Meeting: PLANNING COMMITTEE
Date: 23 March 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext. 4705

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that the above planning application was originally considered by the Planning Committee on 24 February 2016 (copy of previous report appended - Appendix 1), when it was agreed to continue the application for a site visit. This site visit took place on Monday 7 March 2016.
2. Following a summary of the proposal by the Development Manager, the applicant spoke in support of the proposal, citing reasons behind the positioning of the structure, namely it would act as a windbreak for this particular area of his garden and that it would provide additional storage provision. The applicant also advised that he had made contact prior to construction of the outbuilding to establish if the building would require the benefit of planning permission. He advised that the advice given indicated that the structure could be erected up to a height of 4m without the need for planning permission. However Members should note that the 4m height rule only applies if the building is located more than 1 metre from the property boundary. As the outbuilding is located within 1 metre of the boundary, the maximum height allowed, without the need for planning permission, is 2.5m.
3. Two neighbours in attendance spoke in support of their objections to this planning application. The main areas of concern that were raised included the overall scale and massing of the building which would have an over bearing effect upon their own rear garden areas and their outlook. In particular concern was further raised at the raised level of the applicant's garden in relation to their own property levels and it was also queried that the applicant has undertaken further ground raising in his garden to accommodate the proposal. This had also led to surface water run off concerns in their rear garden areas. Health and Safety concerns in respect of external lighting to the outbuilding were raised.

4. The original Planning Committee report dated 24 February (Appendix 1) refers to the fact that at the time of writing the report no comments had been made by Larbert, Stenhousemuir and Torwood Community Council. A response by the Community Council has now been made which acknowledges the two objections by neighbours. The Community Council refer to the concerns of the objectors and hope a Planning Committee site visit will be undertaken to consider the proposal with particular regard to the local plan policies and related supplementary guidance.
5. Members of the Planning Committee sought clarification in respect of the ground levels that had been raised on site. It was intimated that at the outset, following the completion of the development the ground levels of the garden were raised with appropriate drainage installed. It was evident that there was a change in ground levels in the general location that was not exclusive to the applicant's property. Further land raising, in connection with the applicant's landscaping works and the erection of the outbuilding have been undertaken. However with regard to the before and after site photographs (Appendices 2 and 3), the level of the further change of the garden ground is not considered significant, and is tantamount to landscaping works carried out in most gardens. This would therefore not require planning permission in its own right.
6. Members of the Planning Committee sought clarification on the issue of privacy. Possible options, including the raising of the screen fence were considered. However a degree of uniformity exists in relation to all screen fencing in the vicinity and any increase in fence height could appear incongruous. A planting of a hedge may be a possibility but this could give rise to further issues in respect of a high hedge in the future. Members of the Planning Committee noted the degree of overlooking that exists to all gardens in this area due to the layout of houses in this development. The use of certain parts of a garden by an occupier of a dwelling cannot be controlled through the planning legislation.
7. Members of the Planning Committee sought clarification on the issue of the proposed drainage arrangements (roof run off). It was confirmed by the applicant that the roof run-off drainage would be connected to the existing nearby drain so as to ensure the existing drainage issues would not be exacerbated. The Development Manager advised that an informative to this effect could be attached to any planning permission.
8. The Development Manager also confirmed that the issue of Health and Safety concerns in relation to the proposed external lighting is not a material planning consideration. The Development Manager also confirmed that the drawings submitted with the planning application are correct and relate to what has been built on site to date. The proposed external walling would be timber cladding.
9. Members of the Planning Committee viewed the outbuilding from the rear gardens of both neighbours who have raised objections. It was noted that there were other examples of other outbuildings in the locality, a fact that was also raised by the applicant. The Development Manager gave an undertaking to arrange for officers to establish how many similar structures exist and whether any of these structures have planning permission or have been the subject of an enquiry as to whether planning permission is required. At the time of writing this report, the outcome of this survey is ongoing. A verbal update will be given at the Planning Committee.
10. It is considered that no new matters were raised from the site visit that would alter the officer recommendation to grant planning permission. An informative has been added in respect of the provision of all roof drainage to be connected to the existing drain, adjacent with the applicant's garden.

11. RECOMMENDATION

11.1 It is recommended that Committee grant planning permission in principle subject to the following conditions:

- 1)** The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- 2)** Within three months of the date of this permission, details of the colour stain and external materials to be used on the surfaces of any walls, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reasons(s):-

- 1)** As these drawings and details constitute the approved development.
- 2)** To enable the Planning Authority to consider these aspect(s) in more detail and to safeguard the visual amenity of the area.

Informative(s):-

- 1)** In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2)** For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02B.
- 3)** The roof run-off from the out-building should be connected to the existing drain within the applicant's garden.

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pp Director of Development Services

Date: 14 March 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance – SG03 – Residential Extensions and Alterations.
3. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 14 December 2015.
4. Letter of Objection received from Dr Richard Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 22 December 2015.
5. Letter of Objection received from Jodie Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 15 December 2015.
6. Letter of Representation received from Jodie Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 8 December 2015.
7. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 5 January 2016
8. Letter of Representation received from Colleen Hurren, Larbert, Stenhousemuir and Torwood Community Council on 15 February 2016.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING (RETROSPECTIVE) AT 28 DROVER ROUND, LARBERT, FK5 4TT, FOR MR MARTIN WILLIAM BRENNAN - P/15/0713/FUL
Meeting: PLANNING COMMITTEE
Date: 24 February 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
 Councillor Steven Carleschi
 Councillor Charles MacDonald
 Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext. 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks retrospective planning permission for a single storey outbuilding, which measures some 4 metres in length, 3 metres in width and 3.1 metres in height. The roof tiles match those of the existing dwelling, with the external material naturally stained timber. There is a door located on the north east elevation with no glazing, and obscure glazed patio doors with two full length windows either side on the south west elevation.
- 1.2 The application site is located within the rear garden area of the dwellinghouse located at 28 Drover Round, Larbert. The outbuilding is located in the south east corner of the garden.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to the Planning Committee by Councillor Carleschi.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no comment to make on the application.

5. COMMUNITY COUNCIL

- 5.1 No community Council has commented on this application

6. PUBLIC REPRESENTATION

- 6.1 In the course of this application, 2 contributors submitted 5 letters to the Council objecting to the proposal. The salient objections are summarised below:-

- Date of commencement of works incorrect.
- Inaccuracies on the plans, application should not be valid.
- Overlooking/Privacy concerns.
- The height of the shed appears to have been measured from the lowest point of the shed, rather than the land adjacent to it.
- Request from two neighbouring properties, to carry out a site visit from neighbouring gardens.
- The drawing refers to one set of recycled doors; however the proposal has two sets of doors.
- External lighting provision has been provided and not included in the plans.
- Application gives no reference to where the guttering will drain to.
- Information provided by the applicant is inconsistent i.e. reasons for altering the roof.
- Clarification on the exact measurement from the windows according to SG03 it should conform too.
- Unsympathetic to the character of the surrounding area, does not provide a balanced appearance, nor does it sit comfortably in the wider surroundings.
- Scale of proposal is considered over dominant.
- Garden ground level has been raised previously.
- Overshadowing and loss of light.
- Materials used / proposed are not used normally in the construction of a garden shed, this reflects it is intended for a personal use or home office.
- Overdevelopment the applicant now has 3 outbuildings.
- Excess water in neighbouring gardens, following the erection of the proposal.
- Neighbouring garden shed is similar in size, making it feel “hemmed in” and creates a congested appearance.
- Proposal could be sited elsewhere.
- Intended use is questionable.
- External wiring is an electrocution risk.
- Clarification on what ‘SW doors will be obscured’ means.
- Loss of a view.
- Noise and Disturbance.

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

The Falkirk Local Development Plan was adopted on 16 July 2015. The application was assessed against the following policy or policies:

7a.1 Policy HSG07 - House Extensions and Alterations

“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, 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 ‘Residential Extensions and Alterations’.”

7a.2 Whilst the proposal is not an extension or alteration to the existing dwelling it is considered that the criteria identified in Policy HSG07 are relevant. It is noted that due to the proposed outbuilding’s location, it requires planning permission. If it had been placed more than 1 metre from the garden boundary or reduced in height to 2.5 metres, no planning permission would have been required.

7a.3 The scale of the proposal is considered to be similar to a neighbouring garden shed, a typical example of outbuildings commonly found within rear gardens. The design of the outbuilding is in keeping, and is considered to be sympathetic in terms of scale to the original dwelling, with matching roof tiles and acceptable external materials.

7a.4 The location and scale is not considered to be detrimental to the visual amenity of the area nor is it likely to significantly affect neighbouring amenity in terms of daylight and or privacy. The proposed south west doors are obscure glazed and the position of the doors is at right angles to the nearest property. The adjacent property has a living room at an upper level which will (to a degree) overlook the applicant’s property. It is considered that there is no significant loss of privacy especially as planning permission is sought for an outbuilding the use of which would be for purposes incidental to the enjoyment of the dwellinghouse to which it relates. The proposal is not considered to be overdevelopment, there is adequate private garden ground remaining. Parking is provided on site.

7a.6 The proposal is considered to accord with Policy HSG07 of the Falkirk Local Development Plan.

Supplementary Guidance Forming Part of the Development Plan

7a.7 SG03 - Residential Extensions and Alterations

7a.8 Falkirk Council’s Supplementary Guidance (SG03) on Residential Extensions and Alterations advises that garages and outbuildings should not normally be located in the front garden, and should not appear over dominant in relation to the existing surroundings and properties. Outbuildings must be smaller in scale and subservient to the existing dwelling and in terms of materials should complement the existing dwelling. As well as considering the impact on useable garden ground and off street parking.

7a.9 The proposed outbuilding is of an appropriate scale, and is not considered to have an overbearing impact on the surrounding area. The proposal is sited within a corner of the garden and is placed next to a similarly sized garden shed within the adjacent property’s garden.

- 7a.10 The proposed materials are considered acceptable, and there is little impact on the usable garden space. Parking would remain unaltered at the front of the dwelling.
- 7a.11 It is therefore considered that the proposal accords with the guidance as set out in the SG03.

7b Material Considerations

- 7b.1 The material considerations relevant to the application assessment are the representation received.

Assessment of Public Representations

- It is noted that the neighbouring properties advised that works started before the applicant informed the Council.
- Amended plans were received and were provided to both neighbouring properties that had submitted representations.
- The proposed outbuilding is not considered to cause any unacceptable privacy concerns.
- The measurements provided are what is required to make an application valid, the applicant would not be expected to measure from adjacent land or properties outwith his control or ownership.
- The case officer, accompanied by another planning officer, visited both neighbouring properties and met objectors.
- The plan indicates both doors as proposed.
- The detailing of the external lighting is located on the south west elevation.
- Drainage would be located within the garden ground of the property.
- Amended plans were provided, which is not unusual during the processing of an application.
- There are no exact measurements in terms of SG03 for an outbuilding, however it is considered that the building is at right angles to neighbouring dwellings and that there are no concerns in relation to privacy which would justify refusal or amendment.
- The proposal is not considered to be visually detrimental in terms of the surrounding area.
- The scale and location of the outbuilding are not considered to represent overdevelopment or be over dominant.
- It was noted on site that part of the garden ground had been raised by approximately 28cm.
- The proposal is not considered to considerably overshadow neighbouring gardens and loss of light is not considered to be detrimental to the enjoyment of neighbouring garden grounds.
- It is not unusual to have similar materials to the main dwelling to be used on outbuildings, the proposed outbuilding is considered acceptable in terms of design. The proposed outbuilding could be used ancillary to the dwelling, which would include for a home office or sunroom.
- The rear garden is considered to easily accommodate the outbuildings within the garden area. Excess water in neighbouring properties cannot be controlled by this application, this is a private legal matter.
- It is noted that there is a similar scaled outbuilding within the neighbouring garden, however it is not considered that the current proposal creates a detrimental impact on the surrounding area.
- The proposed use is to be an outbuilding within the garden grounds.
- The safety of external wiring is not a planning consideration.
- Clarification was given on the south west elevation having obscure glass.
- Loss of view / right to a view is not a material planning consideration.
- The Environmental Protection Unit have advised that they have no concerns. However, if a noise or disturbance was reported to the Council, this would be investigated under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

7c Conclusion

- 7c.1 The proposed development accords with the Falkirk Local Development Plan and it is considered that there are no material considerations that would warrant refusal of the planning application in this instance.

8. RECOMMENDATION

- 8.1 It is recommended that Committee grant planning permission subject to the following conditions:

- 1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
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Reasons(s):-

- 1) As these drawings and details constitute the approved development.
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Informative(s):-

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pp Director of Development Services

Date: 15 February 2016

LIST OF BACKGROUND PAPERS

9. Falkirk Local Development Plan.
10. Supplementary Guidance – SG03 – Residential Extensions and Alterations.
11. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 14 December 2015.
12. Letter of Objection received from Dr Richard Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 22 December 2015.
13. Letter of Objection received from Jodie Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 15 December 2015.
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15. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 5 January 2016

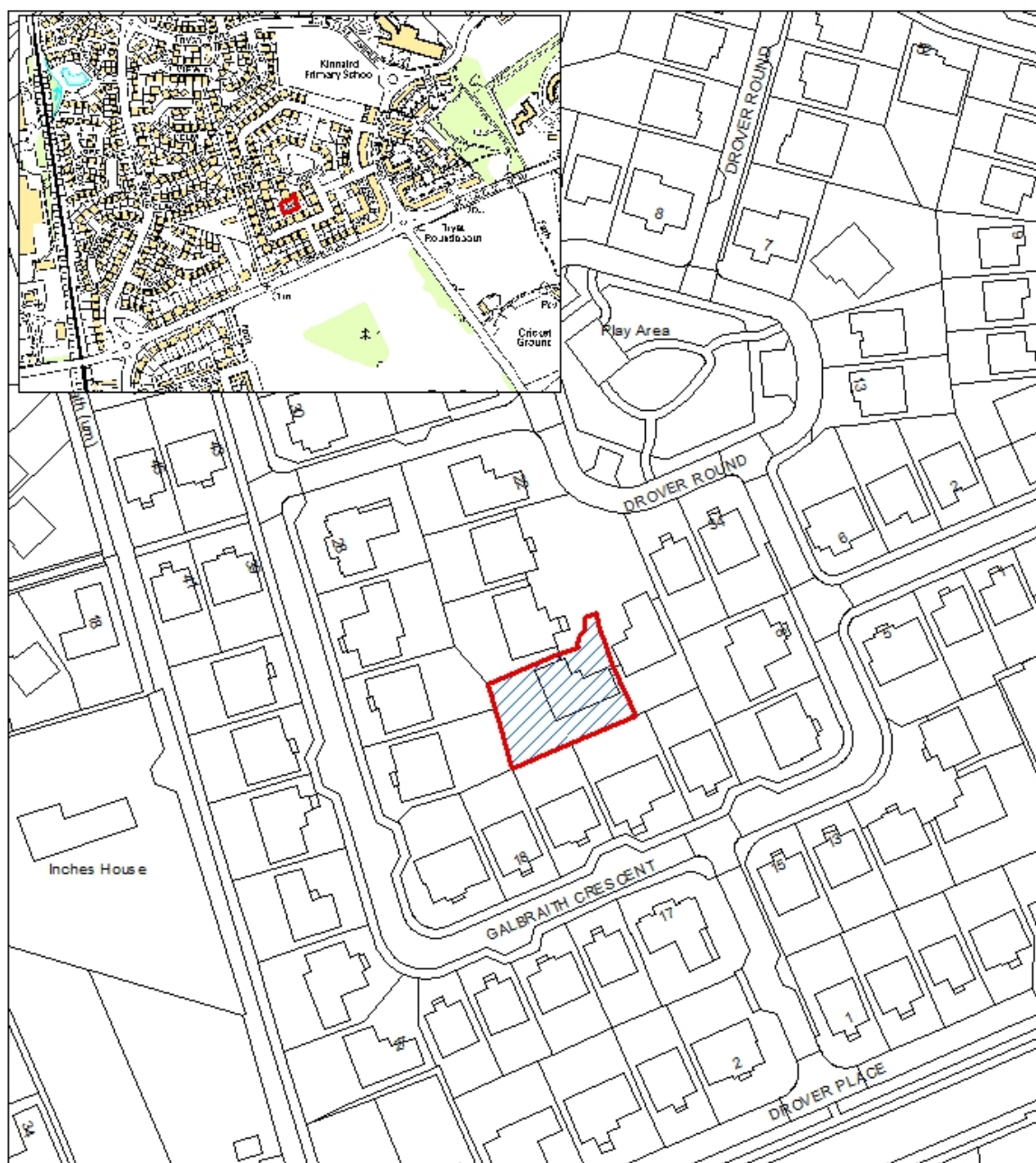
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0713/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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APPENDIX 2 – BEFORE



