



**AGENDA ITEM**

**4**

**EXTENSION TO FLAT AND  
FORMATION OF HARDSTANDING AT  
4 WEST TERRACE, BLACKNESS,  
LINLITHGOW, EH49 7NN, FOR MR  
DAVID HEWITT - P/16/0104/FUL**

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO FLAT AND FORMATION OF  
HARDSTANDING AT 4 WEST TERRACE, BLACKNESS,  
LINLITHGOW, EH49 7NN, FOR MR DAVID HEWITT -  
P/16/0104/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 21 June 2016  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner

**Community Council:** Blackness Area

**Case Officer:** David Paterson, Planning Officer, Ext. 4757

**UPDATE REPORT**

1. Members will recall that this application was presented to the Planning Committee on 25 May 2016 (copy of previous report appended - Appendix 1), when it was agreed to continue the application for a site visit. The site visit took place on 6 June 2016.
2. At the site visit the case officer summarised the report, and the applicant, objectors, Members of the Planning Committee and a local Member were heard.
3. The applicant spoke in support of the proposal, stating the extension proposed would provide additional accommodation to meet their family needs, the scale and proportion of the extension would not detract from the visual amenity of the terrace to which it relates and the wider area as a whole. The applicant also cited the extensive garden area which was within their ownership that would still allow a reasonable garden amenity and that 3 additional parking spaces would be provided. The applicant acknowledged that formation of the parking bays would require ground excavation and the loss of part of a mature hedge, but this would be suitably landscaped in a sympathetic manner.

4. Neighbours who had made objections to the proposal spoke, also on behalf of neighbours not present, in respect of a number of concerns in relation to the development proposed. These concerns related to:
  - impact upon the existing combined sewer which is operating at capacity;
  - damage to the existing drainage pipe during construction;
  - road/pedestrian safety concerns during construction;
  - damage to the sea wall during construction;
  - design and scale not in keeping;
  - loss of privacy/overlooking; and
  - loss of view.
5. Members of the Planning Committee viewed the site of the proposed extension and the associated excavation/car parking works from West Terrace and the applicant's garden. They also sought clarification on:
  - adequacy of the parking bays and associated visibility;
  - planning guidance in respect of house extensions;
  - seeking advice from Scottish Water in respect of drainage capacity;
  - impact on potential construction traffic on West Terrace which forms part of the John Muir Way;
  - loss of the hedge (restriction on time of year for its removal); and
  - height of the retaining wall.
6. Councillor Ritchie as local Member was in attendance and raised concerns in respect of the issues mentioned above and, in particular the scale/impact of the extension, and queried the issue of potential damage to the sea wall.
7. The issues of potential damage to the sea wall and drainage pipework as a result of construction would be a civil matter for the parties concerned. This would also be the case in respect of any damage to West Terrace itself, as this is a private road.
8. Scottish Water have been contacted with a view to seeking their comments in respect of the potential impact of the proposal on the existing drainage capacity. An update will be provided at the Planning Committee meeting.
9. The issue of road/pedestrian safety during construction for users of West Terrace is a matter for the applicant to take into consideration as part of their requirements for Health and Safety regulations during construction. However, in addition to West Terrace being part of the John Muir Way, it is also a Right of Way, a Core Path and part of the National Cycle Network (Route 76). The Council's Outdoor Access team have advised that they would have no objection to an informative being added to any grant of planning permission that West Terrace remains open and free from obstruction.
10. Details of the proposed height of the retaining wall associated with the formation of the 3 parking bays and any restrictions in relation to the timing of the part removal of the existing hedge will be provided at the Planning Committee.
11. The matters of the scale and design, privacy and overlooking have been considered and addressed in the main Planning Committee report (see Appendix 1), The issue of the loss of a private view that was raised at the site visit is not a material planning consideration.

## 12. RECOMMENDATION

12.1 It is recommended that the Planning 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.
2. Before works start on site details and specifications of the proposed external finishing materials, including surfacing materials and boundary treatments, shall be submitted to and approved in writing by this planning authority. Thereafter the development shall be implemented in accordance with the approved details.
3. Before the extension is occupied the off-street parking area shall be provided in accordance with the approved plans.

### Reason(s):-

1. These drawings and details constitute the approved development.
2. In the interests of visual amenity; to ensure the external finishing materials are appropriate.
3. In the interests of road safety, to ensure the provision of off-street parking.

### 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, 02, 03, 04, 05A and 06B.
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 Unit.

4. 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.
5. Access along West Terrace during all associated construction work shall remain open and free from obstruction.
6. Under the Wildlife and Countryside Act (1981) it is an offence to intentionally or recklessly take, damage or destroy or otherwise interfere with the nest of any wild bird while it is in use or being built or to intentionally or recklessly obstruct or prevent any wild bird from using its nest. Removal of mature hedging or trees must be undertaken outwith the bird breeding season (which is March-July inclusive) or only after a suitably experienced ecologist has surveyed the hedge/tree and determined that no nests are present.

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pp Director of Development Services

Date:

#### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. Supplementary Guidance SG03, 'Residential Extensions and Alterations'.
- h3. Objection received from Miss Jacqueline Leeds, 2, West Terrace, Blackness, EH49 7NN on 13 March 2016.
4. Objection received from Anne Wexelstein, 8 West Terrace, Blackness, Linlithgow, EH49 7NN on 17 March 2016.
5. Support received from Mr Merville Archibald, Blackness Community Council, 17 Mannerston Holdings, Linlithgow, EH49 7ND on 18 March 2016.
6. Objection received from George Readman and Christina McCartan, 1 West Terrace, Blackness, Linlithgow, EH49 7NN on 10 March 2016.
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8. Objection received from Jackie Leeds, 2 West Terrace, Blackness, Linlithgow, EH49 7NN, on 14 March 2016.
9. Objection received from T A Robertson and C Robertson, 7 West Terrace, Blackness, Linlithgow, EH49 7NN on 16 March 2016.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

**FALKIRK COUNCIL**

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HARDSTANDING AT 4 WEST TERRACE, BLACKNESS,  
LINLITHGOW, EH49 7NN, FOR MR DAVID HEWITT -  
P/16/0104/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 25 May 2016  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner

**Community Council:** Blackness Area

**Case Officer:** David Paterson, Planning Officer, Ext. 4757

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

- 1.1 This application seeks planning permission for a 2 storey extension to the side of 4 West Terrace, Blackness. It is proposed to provide a kitchen/dining area with lounge above linked to no.4 by a proposed single storey flat roofed extension. The north elevation of the extension is mainly glazed. External finishing materials comprise slate, timber horizontal weatherboarding and sandstone. It is also proposed to excavate part of the garden area to the west of the flat to form off street parking and turning for 3 vehicles. The applicant has submitted a design statement in support of the application.
- 1.2 4 West Terrace is a ground floor flat within a 2 storey end of terrace building, divided into 2 flats. The ground floor flat has a large side garden area to the west on which it is proposed to build the extension and parking area. The property overlooks the Firth of Forth and is accessed via a private road to the north, adjoining the foreshore. The site generally rises in level from north to south.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Turner and Councillor Ritchie for consideration at the Planning Committee.

**3. SITE HISTORY**

- 3.1 06/0683/OUT – outline planning permission was refused in February 2007 for the erection of a dwellinghouse on the site.
- 3.2 P/15/0644/FUL – an application for full planning permission for an extension similar to the current proposal was withdrawn by the applicant in December 2015.

#### **4. CONSULTATIONS**

- 4.1 Falkirk Council Roads Development Unit comment that although the site is accessed via a private road they would recommend 3 off street parking spaces are provided.
- 4.2 Falkirk Council Environmental Protection Unit recommend that if planning permission is granted informatives are attached to the decision notice relating to the timing of any noisy construction work and actions to be taken with regard to potentially contaminated ground.

#### **5. COMMUNITY COUNCIL**

- 5.1 Blackness Community Council has submitted comments in support of the proposals with the proviso that the extension should not subsequently be subdivided from the ground floor flat and used as a separate residential property.

#### **6. PUBLIC REPRESENTATION**

- 6.1 A total of 6 representations have been received, objecting to the proposed development. The concerns raised in the objections can be summarised as follows:
- Unacceptable visual impact of the extension and the parking area. The development by reason of size, design and materials would be detrimental to the character of the area.
  - The extension may be used as bed and breakfast or holiday letting accommodation.
  - Inadequate drainage system in the area.
  - The proposal would increase the amount of traffic using the access road.
  - Insufficient parking provision.
  - Construction would result in heavy goods vehicles using the access road and damaging the road.
  - Road safety.
  - Detrimental impact on Firth of Forth Special Protection Area.
  - Flood risk.
  - Loss of privacy.
  - Overshadowing.

#### **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**

- 7a.1 The Falkirk Local Development Plan (FLDP), adopted on 16 July 2015, is the Development Plan. It includes a number of supplementary guidance documents which also have statutory status as a part of the Development Plan.

7a.2 The application site lies within the village limits of Blackness as shown in the FLDP. The following policy in the FLDP is relevant.

7a.3 Policy HSG07 – ‘Residential Extensions and Alterations’ 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, 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.4 This Policy seeks to ensure that extensions and alterations to residential properties are of good design quality. It is considered that the proposed development complies with this Policy. The extension sits between a traditional terrace and a modern bungalow on a large plot of land. The single storey link between the main part of the extension and the existing terrace, the overall scale and design of the extension and, the choice of external finishing materials all provide visual separation from the terrace so that the existing character of the terrace is retained. The extension does not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. Adequate garden area is retained. Sufficient off street parking is proposed and no road safety concerns have been raised by the Roads Development Unit.

### ***Supplementary Guidance Forming Part of the Falkirk Local Development Plan***

7a.5 SG03, ‘Residential Extensions and Alterations’ provides guidance on the design of residential extensions and sets out the general principles which are considered important in achieving good design. As briefly indicated above it is considered that the overall design of the proposed development is acceptable. It is considered that the proposals comply with the supplementary guidance.

7a.6 Having assessed the proposals against the relevant policy in the FLDP and the supplementary guidance it is considered the proposed development is in accordance with the FLDP.

### **7b Material Considerations**

7b.1 The material considerations to be assessed are the site history, consultation responses, the Community Council comments and the representations received.

#### ***Site History***

7b.2 An outline planning application for a dwellinghouse on this site was submitted in 2006 by a previous owner of the property. This application was refused on road safety grounds as it was considered at that time that an additional dwellinghouse would not be in the best interests of road safety. The current application is not for an additional dwellinghouse. It is for an extension to the existing ground floor flat. If planning permission is granted for the extension a further planning permission would be required if the owner wished to subdivide the property and to use the extension as a separate dwellinghouse.



7b.3 A planning application (reference P/15/0644/FUL) for a similar proposal to extend the ground floor flat was submitted last year and withdrawn by the applicant. The current application is an amended proposal. The site boundary has been amended to take account of land ownership queries and the height of the extension has been reduced to ensure that it is lower than the ridge height of the adjoining terrace.

### ***Consultation Responses***

7b.4 No objections have been raised by consultees. Matters raised by consultees can be addressed in planning conditions and informatives if the Committee are minded to grant planning permission.

7b.5 The Roads Development Unit recommend 3 off street parking spaces be provided. The applicant has proposed 3 spaces. As originally submitted the dimensions of these spaces were smaller than the minimum standard but the proposal has been amended to address this issue.

### ***Community Council Comments***

7b.6 Blackness Community Council support the proposed development with the proviso that the extension is not used as a separate dwellinghouse. As stated in in paragraph 7b.2, use of the extension as a separate dwellinghouse would require a further planning permission. Consideration of such a proposal would be a matter for the Council to consider in the event of a planning application being submitted. It is not a matter the Council can prejudge.

### ***Representations Received***

7b.7 The proposed extension is not considered to have a detrimental impact on the character of the area. Having taken into account the site context it is considered the scale and design of the extension and the proposed parking area are acceptable. Also, the proposal would not have an adverse impact on the amenities of other residents in relation to privacy or overshadowing.

7b.8 The planning application is for an extension to the existing flat. Any alternative use of the property which requires a planning permission cannot be prejudged and would not be planning grounds to refuse the current application.

7b.9 There are no known issues at present within the waste water network serving the application site but it is the applicant's responsibility to ensure that adequate connections are made.

7b.10 Falkirk Council Roads Development Unit have assessed the proposals and are satisfied that there are no road safety issues or flooding issues that would justify refusing planning permission for the proposed extension.

7b.11 Given the scale and context of the proposed development it is considered, following discussion with Scottish Natural Heritage, that the proposal would not have significant effects on the qualifying species of the nearby Firth of Forth Special Protection Area.

### **7c Conclusion**

7c.1 The proposed development complies with the Local Development Plan and there are no material considerations that would merit setting it aside.

## 8. RECOMMENDATION

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

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**Director of Development Services**

**Date: 16 May 2016**

#### **LIST OF BACKGROUND PAPERS**

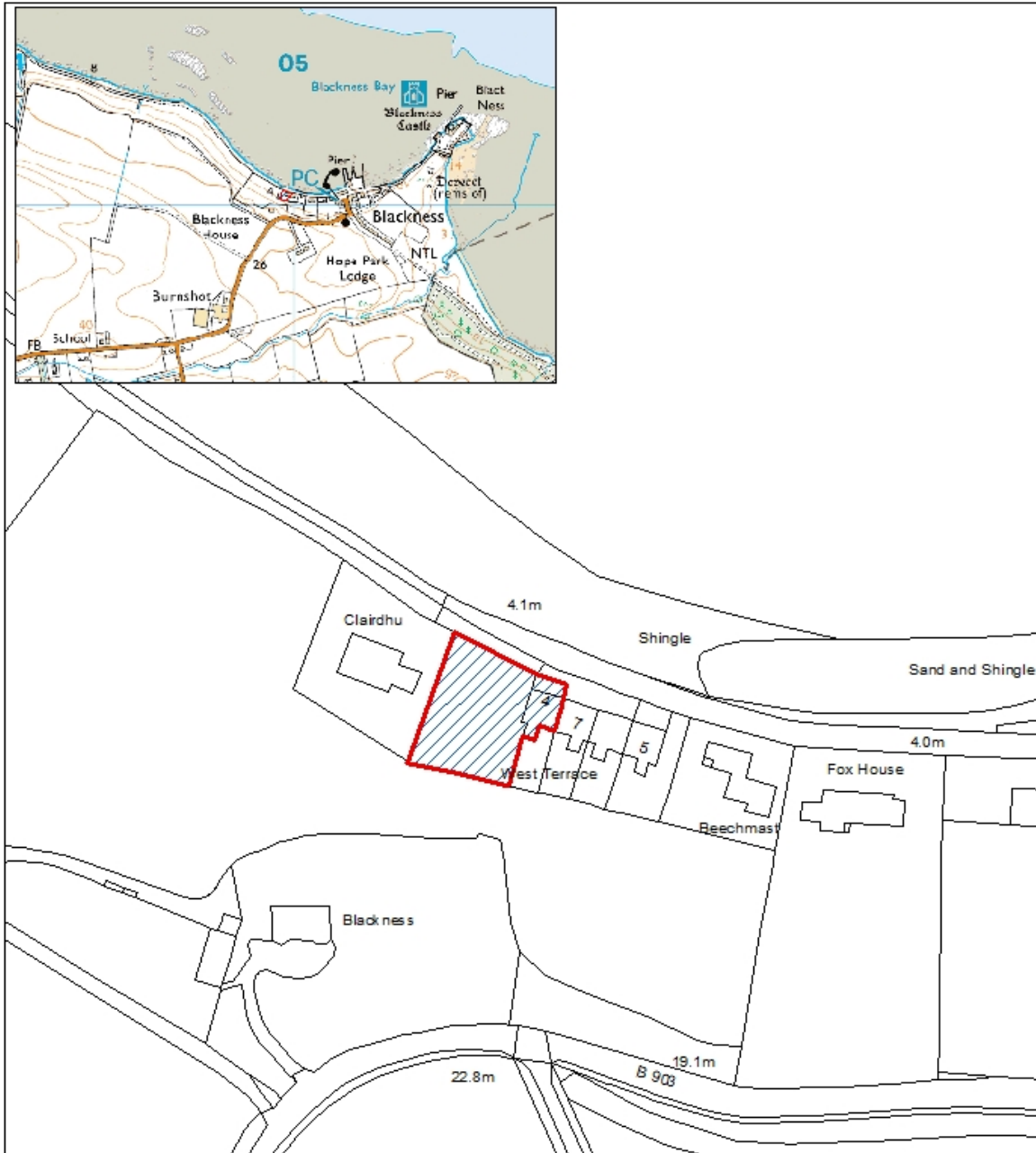
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# Planning Committee

## Planning Application Location Plan **P/16/0104/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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