



AGENDA ITEM

6

**Extension to Dwellinghouse at 11
Callendar Park View, Falkirk FK1
1SX for Mr Shraz Khaliq -
P/16/0385/FUL (Continuation)**

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 11 CALLENDAR PARK VIEW, FALKIRK, FK1 1SX FOR MR SHRAZ KHALIQ - P/16/0385/FUL
Meeting: PLANNING COMMITTEE
Date: 26 October 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

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

UPDATE REPORT

1. Members will recall that this application was presented to the Planning Committee on 14 September 2016 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 26 September 2016.
2. At the site visit the case officer summarised the report and presented the plans of the proposed application.
3. The objectors and Members of the Planning Committee were heard in relation to the proposal. The applicant and agent did not attend the site meeting. A local Member, Provost Reid, spoke in support of the recommendation to refuse planning permission.
4. The objections raised from the neighbours are addressed within a previous committee report points 6.1 and 7b.3-7b.18 (attached as Appendix 1).
5. Members, officers and objectors viewed the application site from the rear gardens of 9 Callendar Park View, 40 Cromwell Road and 42 Cromwell Road, Falkirk.
6. Members asked officers to confirm for the Planning Committee the percentage increase in the size of the house as proposed. The proposal would result in approximately a 45% increase in the overall floor area of the dwellinghouse.
7. No new issues were raised at the site visit that would amend the previous recommendation to refuse planning permission.

8. RECOMMENDATION

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

- 1. The proposed two storey extension by reason of its overall scale, massing and location in relation to neighbouring properties and to the north on Cromwell Road would have an unacceptable adverse visual impact on the amenity of these properties and the surrounding area. The proposed extension is therefore contrary to HSG07 of the Falkirk Local Development Plan to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**
- 2. The proposed two storey extension due to its overall size and proximity to the neighbouring dwellings on Cromwell Road would overshadow neighbouring gardens which would have an unacceptable overbearing impact on the residential amenity of neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**
- 3. The proposed two storey extension due to its proximity to neighbouring dwellings on Cromwell Road and positioning of windows would overlook the neighbouring gardens and habitable rooms which would therefore have a detrimental impact on the privacy of the neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

Informative(s):-

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

pp

.....
Director of Development

Services Date: 17 October 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Supplementary Guidance SG03, 'Residential Extensions and Alterations'.
3. Objection received from Mr Ewan Fowler, 38, Cromwell Road, Falkirk, FK1 1SF on 26 June 2016.
4. Objection received from Miss Gaynor Brogan, 42 Cromwell Road, Falkirk, FK1 1SF on 1 July 2016.
5. Objection received from Mr Ewan Fowler, 38, Cromwell Road, Falkirk, FK1 1SF on 1 July 2016.
6. Objection received from Mrs Fiona Thomson, 46 Cromwell Road, Falkirk, FK1 1SF on 2 July 2016.
7. Objection received from Mr Neil Fairbairn, 15 Callendar Park View, Falkirk, FK1 1SX on 5 July 2016.
8. Objection received from Mr Steven Hoggan, 48 Cromwell Road, Falkirk, FK1 1SF on 7 July 2016.
9. Objection received from Mr Neil Fairbairn, 15 Callendar Park View, Falkirk, FK1 1SX on 11 July 2016.
10. Objection received from Mrs Jennifer Yeardly, 9 Callendar Park View, Falkirk, FK1 1SX on 11 July 2016.
11. Objection received from Mr John Mincher, 40 Cromwell Road, Falkirk, FK1 1SF on 6 August 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: EXTENSION TO DWELLINGHOUSE AT 11 CALLENDAR PARK
VIEW, FALKIRK, FK1 1SX FOR MR SHRAZ KHALIQ -
P/16/0385/FUL
Meeting: PLANNING COMMITTEE
Date: 14 September 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of a modern detached two storey property with a detached domestic garage; the site is located in a well-established residential area. The property is accessed via a shared private driveway.
- 1.2 The applicant seeks planning permission for a two storey extension which incorporates the existing domestic garage. The ground floor would include the double garage and study room with a front entrance area, whilst the proposed first floor level would accommodate two additional bedrooms and a shower room.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Colin Chalmers, the reason for the call-in being that there is a concern raised by the applicant that amenity issues and the impact of overshadowing on neighbouring properties is overstated as per policy HSG07 of the Local Development Plan.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 Falkirk Council Environmental Protection Unit recommends 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 There is no Community Council active in this area at present.

6. PUBLIC REPRESENTATION

- 6.1 A total of 9 representations from 7 individuals have been received, objecting to the proposed development. The concerns raised in the objections can be summarised as follows:

- Scale of extension.
- Overshadowing.
- Privacy concerns.
- Visual impact.
- Affect the value of neighbouring property.
- Noise, dust and disruption.
- Shared access concerns and parking.
- Concerns about how long the project would take.
- Does the Council monitor the project during construction?
- Who is responsible for damages?
- Concerned the house would be used as a House in Multiple Occupation.
- Will the project involve piling and concerns with regards to this?
- Storage of materials, skips, scaffolding plant and machinery.
- No property behind Cromwell Road has been sent a notice.
- Site safety concerns.
- No plans show the extension in situ next to neighbouring properties.

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) was adopted on 16 July 2015. 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 Falkirk 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 It is considered the proposal is not acceptable as proposed because of the overbearing and overshadowing impact it would have on properties to the north by reason of the overall height and mass of the extension and its proximity to the neighbouring properties. Furthermore, due to the position of the proposed windows in the north elevation of the extension and the proximity of the extension to the neighbouring properties, the proposal would have an adverse impact on the privacy of neighbours. It therefore contravenes para 2 of HSG07.

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.

7a.6 Whilst the proposed design and external materials match the existing dwelling, it is considered that the proposal is not considered to be proportionate. The scale of such a development within such close proximity to neighbouring dwellings on Cromwell Road, would have a negative impact in terms of the natural daylight and overshadowing of garden grounds to the north. Privacy would also be of concern as the first floor windows within the extension are 9 metres from neighbouring habitable rooms, where the guidance states that this should be a minimum of 18 metres. Given that the site sits at a higher level than the neighbouring properties on Cromwell Road this would adversely impact the living conditions/residential amenity of the neighbouring properties.

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

7b Material Considerations

- 7b.1 The material considerations to be assessed are the consultation response, the representations received and consideration of the site in relation to coal mining legacy.

Consultation Responses

- 7b.2 The consultation response is summarised in section 4 of this report. As set out in this section, the Environmental Protection Unit have not raised any concerns, however they have requested two informatives if planning permission is granted.

Representations Received

- 7b.3 The scale of the proposed two storey extension is considered to be unacceptable in this location, as it is within close proximity to the neighbouring residential properties.
- 7b.4 It is considered the development would overshadow neighbouring gardens by reason of its overall massing and proximity to the residential properties immediately to the north.
- 7b.5 The windows on the proposed north elevation would directly overlook neighbouring properties within a 9 metres distance and, thus, have an adverse effect on privacy.
- 7b.6 The proposal is considered to have a detrimental impact on the visual amenity of the streetscape by reason of its scale and location.
- 7b.7 Impact upon property value is not a material planning consideration.
- 7b.8 The Council's Environmental Protection Unit were consulted and have not raised concerns in relation to dust or general disruption but if during the construction there were complaints these matters would be investigated by the Environmental Protection Unit.
- 7b.9 Right of access on a private driveway is a private legal matter. It is proposed to retain the 3 existing off-street parking spaces. The number of parking spaces complies with the parking requirements set out in the National Roads Development Guide, SCOTS 2014.
- 7b.10 If permission is granted the applicant would have three years to commence works. A Planning Authority cannot set a timescale for completion.
- 7b.11 The developer is required to give the Planning Authority notice of the commencement and completion of development. The construction would not be monitored by Development Management but if there are concerns raised that there has been a breach of planning control that would be investigated by enforcement officers. In addition to obtaining planning permission, a Building Warrant would also be required.
- 7b.12 Any damage to property or shared access areas is a private legal matter and cannot be controlled by the Planning Authority.
- 7b.13 This is not a planning application for a House in Multiple Occupation. Such a proposal would require separate planning permission.

- 7b.14 Piling is a construction method and is not considered as a material planning consideration.
- 7b.15 Storage of materials or plant and machinery during construction is not a material planning consideration.
- 7b.16 All neighbouring properties within a 20 metre radius of the application site were notified in writing by the Council of the application in accordance with the planning legislation.
- 7b.17 General site safety is not controlled by the Planning Authority. This would be a matter for the Health and Safety Executive.
- 7b.18 The applicant is not required to provide a streetscape plan, the plans submitted are considered sufficient in order to assess the planning application.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.19 The application site falls within the Development High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment is not required but if planning permission is granted, an appropriate informative note would appear on the Decision Notice.

7c Conclusion

- 7c.1 In conclusion, it is considered that the proposed extension fails to accord with the terms of the Falkirk Local Development Plan and the Supplementary Guidance forming part of the FLDP by reason of its massing and location within close proximity to the neighbouring properties, as well as the impact on overshadowing and privacy concerns. The comments raised by third parties and consultees have been fully considered and addressed in this report.
- 7c.2 There are no material planning considerations that would outweigh the terms of the Falkirk Local Development Plan and the application is therefore recommended for refusal.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that the Committee refuse planning permission for the following reasons:-**
- 1. The proposed two storey extension by reason of its overall scale, massing and location in relation to neighbouring properties and to the north on Cromwell Road would have an unacceptable adverse visual impact on the amenity of these properties and the surrounding area. The proposed extension is therefore contrary to HSG07 of the Falkirk Local Development Plan to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

2. The proposed two storey extension due to its overall size and proximity to the neighbouring dwellings on Cromwell Road would overshadow neighbouring gardens which would have an unacceptable overbearing impact on the residential amenity of neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.
3. The proposed two storey extension due to its proximity to neighbouring dwellings on Cromwell Road and positioning of windows would overlook the neighbouring gardens and habitable rooms which would therefore have a detrimental impact on the privacy of the neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.

Informative(s):-

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

.....
Director of Development Services

Date: 2 September 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Supplementary Guidance SG03, 'Residential Extensions and Alterations'.
3. Objection received from Mr Ewan Fowler, 38, Cromwell Road, Falkirk, FK1 1SF on 26 June 2016.
4. Objection received from Miss Gaynor Brogan, 42 Cromwell Road, Falkirk, FK1 1SF on 1 July 2016.
5. Objection received from Mr Ewan Fowler, 38, Cromwell Road, Falkirk, FK1 1SF on 1 July 2016.
6. Objection received from Mrs Fiona Thomson, 46 Cromwell Road, Falkirk, FK1 1SF on 2 July 2016.
7. Objection received from Mr Neil Fairbairn, 15 Callendar Park View, Falkirk, FK1 1SX on 5 July 2016.
8. Objection received from Mr Steven Hoggan, 48 Cromwell Road, Falkirk, FK1 1SF on 7 July 2016.
9. Objection received from Mr Neil Fairbairn, 15 Callendar Park View, Falkirk, FK1 1SX on 11 July 2016.
10. Objection received from Mrs Jennifer Yearlly, 9 Callendar Park View, Falkirk, FK1 1SX on 11 July 2016.
11. Objection received from Mr John Mincher, 40 Cromwell Road, Falkirk, FK1 1SF on 6 August 2016.

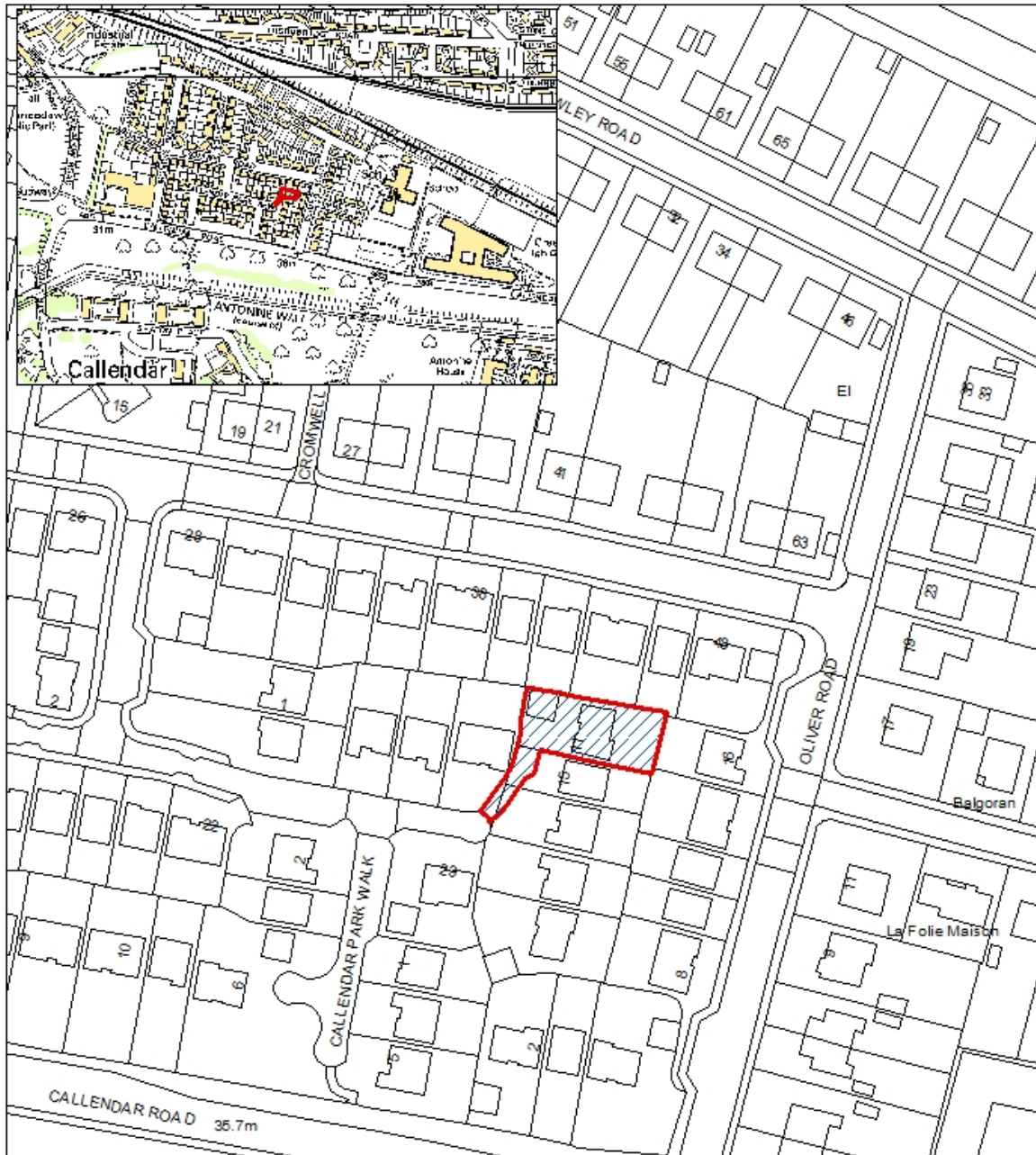
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0385/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2016. All rights reserved.
Ordnance Survey Licence number 100023384