



Agenda Item 5

**ERECTION OF OUTBUILDING
(RETROSPECTIVE) AT 49 NORWOOD
AVENUE, BONNYBRIDGE, FK4 1PY
FOR MR BRYAN BENTON -
P/19/0056/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING (RETROSPECTIVE) AT
49 NORWOOD AVENUE, BONNYBRIDGE, FK4 1PY FOR MR
BRYAN BENTON - P/19/0056/FUL
Meeting: PLANNING COMMITTEE
Date: 22 May 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Bonnybridge Community Council

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

[View Application in Public Access](#)

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 24 April 2019 (copy of previous report appended), when it was agreed to continue the application to allow an unaccompanied site visit to be undertaken. This site visit took place on 7th May 2019.
2. Members visited the site and had the opportunity to view inside the building and surrounding area.
3. The agent has requested that members are aware that the applicant would be comfortable with a temporary planning permission and he intends to replace the out building with a conservatory in the future. It should be noted that this would require the benefit of planning permission. The agent has also requested that members be advised that the applicant was not aware that planning permission was required.
4. It is considered that no new matters have been raised that would alter the officer recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

5. RECOMMENDATION

5.1 It is recommended that the Committee refuse planning permission for the following reason(s):-

- 1. The outbuilding is an overdevelopment of the property and has an adverse visual impact on the character and appearance of the area. The outbuilding is situated in a prominent position. By reason of size, design and location the outbuilding considerably reduces the amount of usable garden area and in visual terms has a detrimental impact on the appearance of the property and area. The proposal is therefore contrary to policy HSG07 'House Extensions and Alterations' of the Falkirk Local Development Plan and 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, 02 and 03.**

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pp Director of Development Services

Date: 10 May 2019

LIST OF BACKGROUND PAPERS

- 1. Falkirk Local Development Plan.**
- 2. Supplementary Guidance 03 - Residential Extensions and Alterations.**
- 3. Proposed Falkirk Local Development Plan 2 (Proposed Plan).**
- 4. Representation received from B Cassells, 47 Norwood Avenue, Bonnybridge, FK4 1PY on 5 February 2019.**

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
49 NORWOOD AVENUE, BONNYBRIDGE, FK4 1PY FOR MR
BRYAN BENTON - P/19/0056/FUL
Meeting: PLANNING COMMITTEE
Date: 24 April 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Bonnybridge Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This planning application seeks retrospective planning permission for the erection of an outbuilding. The outbuilding is located within the front garden area and measures 4.7 metres in length by 3.9 metres in width.
- 1.2 The application site is located within a well established residential area, with a garden to the front and rear of the property.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application was called in by Councillor David Grant. The reason for the call-in is to allow consideration of over development of the plot.

3. SITE HISTORY

- 3.1 No relevant planning history. It is noted that there is enforcement history with regards to this outbuilding and encroachment onto the footpath by artificial turf and garden sheds.

4. CONSULTATIONS

- 4.1 This application falls within the Coal Authority "Development Low Risk Area". A desk based Coal Mining Risk Assessment is therefore not required.

5. COMMUNITY COUNCIL

- 5.1 Bonnybridge Community Council have not submitted any representations.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, one contributor has submitted a letter to the Council. The salient issues are summarised below.
- Comment received in support of the application.

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 Falkirk Local Development Plan

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 part of the Development Plan. The proposed development was assessed against the following policy or policies:

- 7a.1 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.2 This property has two garden areas, a front garden facing south-west and a rear garden facing north east. The rear garden currently has an outbuilding, small timber storage units and a child's playhouse. The proposed outbuilding along with the existing outbuildings on the site, leaves little private garden space for the property. The proposed outbuilding together with the existing outbuildings is considered to be overdevelopment of the plot, which has an adverse impact, in visual terms, on the remaining usable garden ground.

- 7a.3 The rear garden is enclosed by a dwarf brick boundary wall and fence that measures approximately 1.8 metres in height. The front garden area is enclosed by a 1 metre fence and a small section of 1.8 metre high fencing along part of the side boundary. This retrospective application is for a free standing outbuilding constructed from timber and has a mono-pitched roof. There are two access patio doors (on opposite elevations of the outbuilding). The only way to access the front door of the dwelling is to go through the outbuilding.
- 7a.4 The outbuilding is located forward of the front building line and can be seen from various footpaths within the estate as well as from Larbert Road. The outbuilding is very prominent within the front garden. The scale and design of the proposal is not considered sympathetic to the existing dwelling and surrounding area. Whilst the proposed outbuilding is single storey in scale, it dominates the front elevation and garden area. The front door of the existing dwelling is no longer visible and the garden is now split. The external finishing materials are not similar to the finishes of the dwelling.
- 7a.5 Accordingly the application is considered to be contrary to the Development Plan.

Supplementary Guidance Forming Part of the Development Plan

- 7a.6 Supplementary Guidance SG03 - Residential Extensions and Alterations is relevant in the determination of this application.
- 7a.7 The proposed outbuilding is considered out of character with the surrounding properties by reasons of the scale and footprint. Such a proposal is also discouraged within this guidance.
- 7a.8 Whilst the materials are acceptable for an outbuilding the setting and context are not considered to complement the surrounding area.
- 7a.9 There is no privacy or overshadowing concerns due to the orientation of the outbuilding and distance to neighbouring windows. Private garden provision resulting from the development is considered to be smaller than adjacent properties.
- 7a.10 The proposal therefore does not accord with the guidance as set out in SG03 - Residential Extensions and Alterations.

7b Material Considerations

- 7b.1 The following matters were considered to be material in the consideration of the application:-
- Assessment of Public Representations
 - Falkirk Local Development Plan 2 (Proposed Plan) (LDP2)

Assessment of Public Representations

- 7b.2 Comment received in support is noted.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.3 The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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.4 There are no changes to policy in the LDP2 which would alter the assessment of this planning application.

7c Conclusion

- 7c.1 This application for the erection of an outbuilding (in retrospect) located within the front garden area of number 49 Norwood Avenue, Bonnybridge is assessed as being contrary to Policy HSG07 within the Falkirk Local Development Plan and the Falkirk Council's Supplementary Guidance (SG03) on Residential Extensions and Alterations. The reason for this is that the outbuilding will considerably reduce the usable private garden area, resulting in an overdevelopment of the house plot. The outbuilding is in a prominent position and by reason of its scale and design is not considered to be sympathetic visually.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee refuse planning permission for the following reason(s):-

1. The outbuilding is an overdevelopment of the property and has an adverse visual impact on the character and appearance of the area. The outbuilding is situated in a prominent position. By reason of size, design and location the outbuilding considerably reduces the amount of usable garden area and in visual terms has a detrimental impact on the appearance of the property and area. The proposal is therefore contrary to policy HSG07 'House Extensions and Alterations' of the Falkirk Local Development Plan and 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, 02 and 03.

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pp Director of Development Services

Date: 8 April 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance 03 - Residential Extensions and Alterations.
3. Proposed Falkirk Local Development Plan 2 (Proposed Plan).
4. Representation received from B Cassells, 47 Norwood Avenue, Bonnybridge, FK4 1PY on 5 February 2019.

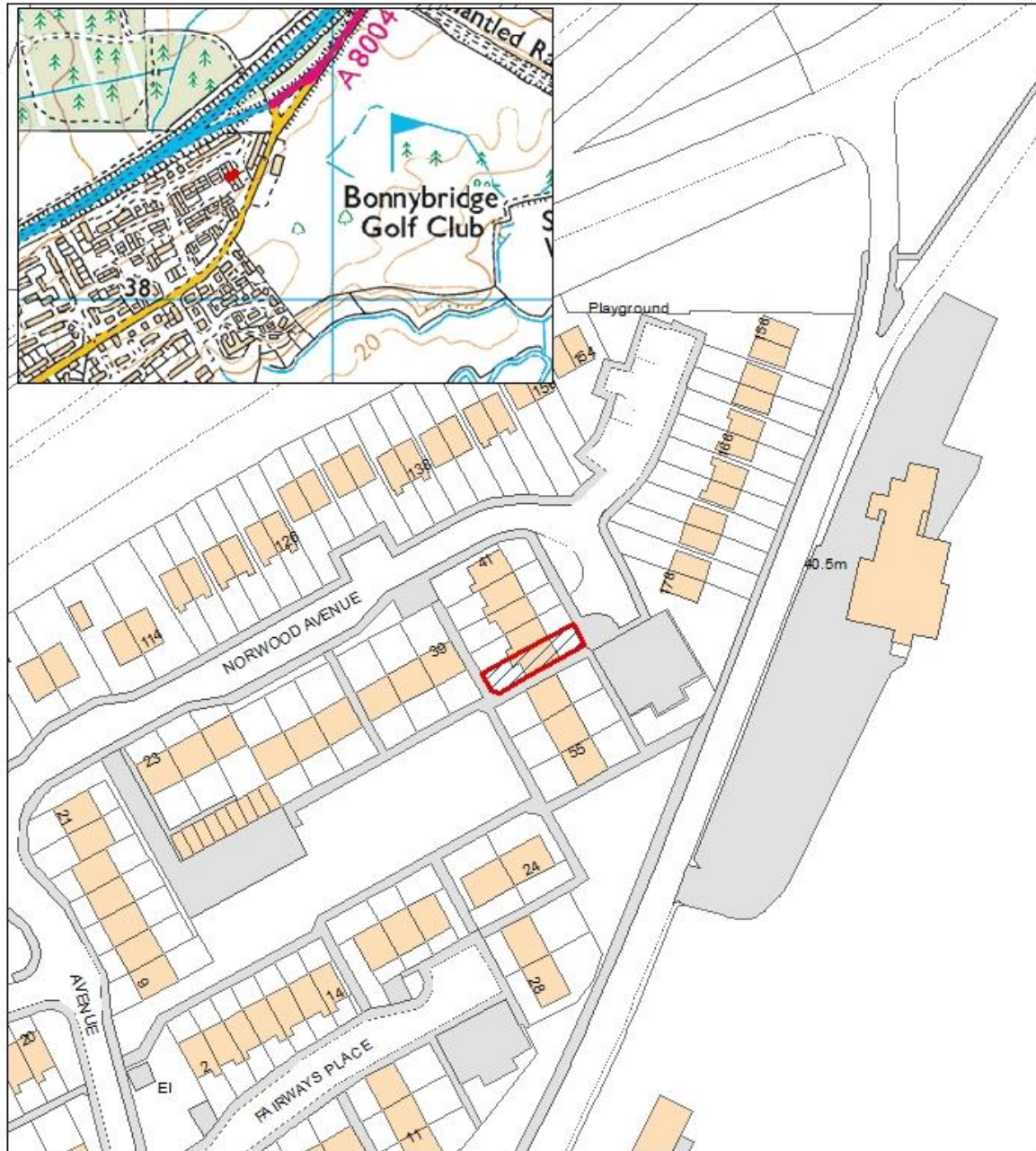
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0056/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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