



## **Agenda Item 7**

**EXTENSION TO DWELLINGHOUSE AT  
19 CRAIGS CRESCENT, RUMFORD,  
FALKIRK, FK2 0ET FOR MR AND MRS J  
DUFFY - P/19/0335/FUL**

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE AT  
19 CRAIGS CRESCENT, RUMFORD, FALKIRK, FK2 0ET  
FOR MR AND MRS J DUFFY - P/19/0335/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 24 September 2019  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Maddiston

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

[View this Application on Public Access](#)

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

- 1.1 This detailed application relates to the proposed construction of a single storey extension to the side and rear of 19 Craigs Crescent. The extension would accommodate a swimming pool, associated gym and changing facilities. It would extend approximately 5 metres from the rear elevation of the dwellinghouse and would be set off the boundary with no. 21 Craigs Crescent by between approximately 1 metre and 2.5 metres. The extension would have a flat roof not exceeding 3 metres in height. External finishing materials comprise of brick and timber cladding on the south west elevation of the extension.
- 1.2 The existing property is a two storey detached dwellinghouse within a residential area. There are two storey dwellinghouses of similar age and character either side of the property and Nicolton Road to the rear.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Kerr for the following reason: Overdevelopment, would like Committee to see the site on a site visit.
- 2.2 The application was also called in by Councillor Hughes to allow greater scrutiny of the following:  
SG03 – overshadowing, scale and impact, materials, noise, character, scale, plot size and garden ground, access and egress.

### **3. SITE HISTORY**

- 3.1 P/12/001/FUL - Extension to Dwellinghouse (Sun Room) was granted planning permission on 21 February 2012.

### **4. CONSULTATIONS**

- 4.1 The following responses to consultation were received:
- 4.2 The Coal Authority has advised that a coal mining risk assessment is not required as this is a householder development and is therefore exempt.
- 4.3 The Council's Environmental Protection Unit has no objection subject to a noise condition in relation to the pump system for the pool and standard informatives in relation to hours of construction, land contamination and air quality.

### **5. COMMUNITY COUNCIL**

- 5.1 Maddiston Community Council has made no comments.

### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 12 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- 6.2 Nine letters of support and three objections from two contributors have been received. The concerns raised from the objections are summarised as follows:-
- Removal of trees would cause privacy concerns;
  - Access for construction materials and driveways being obstructed by contractor vehicles;
  - The proposal in terms of its size, depth, width, height and massing would have an adverse impact on the amenity of neighbouring properties;
  - Overshadowing concerns;
  - Loss of privacy;
  - Noise concerns;
  - Overbearing impact in terms of scale;
  - Not in-keeping with the character of area;
  - Materials are not similar in appearance to the existing dwelling or estate;
  - Leisure use and not residential;
  - Concerns regarding the finishing materials and fireproofing;
  - Drainage - potential flooding and or connection to public sewage/water concerns;
  - Stability - will the foundations be adequately supported?
  - Lighting may cause light pollution and glare;
  - Proposal is contrary to HSG07 and SG03;
  - Can you confirm if the red outline shows the fence line as this is not clear;
  - The size of the extension is more than double the original floor plan and would dominate, be visually dissimilar and overbearing;
  - Photos were provided showing a 3 metre screen on the boundary and how this will impact the neighbouring property;

- Clarify if the external materials are cladding or brick from the frontage of the property;
- Fire safety concerns; and
- Clarification on why the proposal requires planning permission and is not permitted development.

6.3 The reasons given by supporters are as follows:-

- Extension looks amazing;
- Fantastic Plans;
- Applicant has worked hard to achieve proposal;
- Concerns were raised about alleged neighbour dispute; and
- Seven contributors left no comments but selected - support 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 Development Plan

7a.1 The Falkirk Local Development Plan 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.2 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.3 The proposal requires planning permission as the previous sun room extension (P/12/0001/FUL) together with the footprint of the proposed extension is more than the existing dwellings' footprint. In all other respects including the height, length, proximity to boundaries and percentage of hard surfaces within the rear garden ground, the proposal would have been permitted development.

- 7a.4 The scale and design of the single storey extension is considered acceptable. The proposed extension is sympathetic to the original dwelling in that it is subordinate in scale and is single storey. The external finishing brick will match the existing dwelling and the timber (cedar) cladding is considered to be sympathetic to the overall garden area and will not be highly visible from main public vantage points.
- 7a.5 The location and scale of the proposal will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties and will not result in an overdevelopment of the plot.
- 7a.6 The application therefore accords with policy HSG07 of the Falkirk Local Development Plan.

### **Supplementary Guidance forming part of the Development Plan**

- 7a.7 The proposed extension is considered acceptable in terms of scale and design, the proposed materials are satisfactory and the proposal is not considered to be over-dominant given the generous plot size.
- 7a.8 There are no privacy concerns due to the orientation of the property and the distance to neighbouring properties windows. Overshadowing from the proposal is not considered to be significant. There is a boundary fence between properties that casts shadows, the extension is set off boundary by at least 1 metre, increasing to over 2.5 metres to the rear.
- 7a.9 Private garden provision is considered to be adequate for a property of this scale and is no smaller than some surrounding gardens. Parking is as existing and will remain unaffected.
- 7a.10 The proposal accords with the guidance as set out within SG03. – Residential extensions and alterations.

### **7b Material Considerations**

- 7b.1 The following matters were considered to be material in the consideration of the application: Consideration of the Site in Relation to Coal Mining Legacy, Responses to Consultation, Assessment of Public Representations and the Falkirk Local Development Plan 2 (Proposed Plan).

### **Consideration of the Site in Relation to Coal Mining Legacy**

- 7b.2 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. The proposal is exempt from requiring a coal mining risk assessment as this is a householder planning application.
- 7b.3 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

### **Responses to Consultation**

- 7b.4 The Environmental Protection Unit has raised no concerns and are satisfied that a noise condition is appropriate in relation to the pump system for the pool. If a noise complaint was received it would be investigated by the Environmental Protection Unit.

## **Assessment of Public Representations**

- 7b.5 There is no development proposed within this application that would impact the trees on the western boundary.
- 7b.6 There are no privacy concerns given the distances to neighbouring habitable windows and the existing screen boundary fence enclosure.
- 7b.7 Access for contractors is not a material planning consideration and cannot be controlled by this application. Vehicles blocked by contractors are a civil matter.
- 7b.8 The proposed single storey flat roof extension is considered acceptable in terms of scale design, and density for the generous plot that it is sited on. This development is not considered to be overdevelopment of the house plot. The private garden ground remaining is adequate for domestic use and is not out of character with the sizes of gardens nearby. The proposal is not considered to have a significant adverse impact on the neighbouring property to justify refusal.
- 7b.9 Whilst it is noted that the proposed extension would overshadow the neighbouring garden area, it would not cover the whole rear garden area and the existing boundary fence would cast a shadow to this area later afternoon. The extension steps further away from the boundary at the bottom of the garden area and is not considered to be overbearing.
- 7b.10 There is no loss of privacy from the proposed extension, as the distances to neighbouring habitable windows would be more than 18 metres and there are no windows proposed on the side elevation of the proposed extension facing the eastern boundary.
- 7b.11 Any noise complaint with regard to the pool equipment or indeed noise complaints in general would be investigated by the Council's Environmental Protection Unit. No concerns have been raised by the Environmental Protection Unit in relation to the proposal.
- 7b.12 Whilst it is noted that the applicant has previously extended the dwelling, this would not be a reason to refuse this application. The proposed extension is not considered to be over development.
- 7b.13 The materials of the proposed extension are acceptable as they would match the existing dwelling and the cladding is considered an acceptable finish.
- 7b.14 The proposed extension is for domestic use. Use of the extension as a commercial leisure facility is not proposed.
- 7b.15 The external finishing materials are considered to be appropriate. Fireproofing is not a material planning consideration, this would be considered at Building Warrant stage.
- 7b.16 Rainwater goods are proposed. There are no flooding concerns.
- 7b.17 Stability of a structure is not a material planning consideration. Building warrant would be required for this proposal. Stability of the extension would be assessed by the Building Standards Unit.
- 7b.18 There is no external lighting proposed on the extension.

- 7b.19 Proposal is considered to comply with policy HSG07 - Residential Extensions and Alterations and the Supplementary Guidance SG03 - Residential Extensions and Alterations.
- 7b.20 Revised plans showing the extent of the rear boundary fence and the ownership of the plot were submitted. Neighbours who objected to the application were notified and given time to comment on the amended plans.
- 7b.21 The proposed extension is not more than double the original footprint of the house. The combined footprint of the previous extension and the proposed extension is more than double the footprint of the original house. As a result this application for planning permission is required. The application site is on a generous corner plot and if planning permission is granted the remaining garden ground is considered to be adequate for a dwelling of this scale.
- 7b.22 The photos submitted show the overall height of the extension and do not show the distance from the boundary on the applicant's side and therefore do not show a true reflection of the proposal on site. The overall scale of development is considered acceptable.
- 7b.23 The materials on the front elevation of the extension are to be facing brick to match the existing dwelling.
- 7b.24 It is noted that there were 9 letters (in total) of support for this development.

### **Falkirk Local Development Plan 2 (Proposed Plan)**

- 7b.25 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.26 The policy relating to the proposed development within the LDP2 does not differ from that contained within the Falkirk Local Development Plan to affect the assessment of this application.

### **7c Conclusion**

- 7c.1 In conclusion, it is considered that the proposed single storey accords with the terms of the Falkirk Local Development Plan Policy HSG07, the related Supplementary Guidance SG03 'Residential Extensions and Alterations and the LDP 2 (Proposed Plan). There are no material considerations which would merit refusal of this application.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Committee grant planning permission subject to the following condition(s):-**

- 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. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling as noise sensitive buildings in excess of the equivalent to Noise Rating curve (NRC) 35 between 0700 hours and 2200 hours at any time.**

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure that the occupants of adjacent residential premises are protected against excessive noise intrusion.**

**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) 01C, 02B, 03A, 04B, 05B, 06A, 07 and 08C.**
- 3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:**

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

**Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection 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.

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pp Director of Development Services

Date: 12 September 2019

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

1. The Falkirk Local Development Plan.
2. The Falkirk Local Development Plan 2 (Proposed Plan).
3. Supplementary Guidance SG03 - Residential Extensions and Alterations.
4. Letters of Objection received from Mrs Melanie McGuire, 21 Craigs Crescent, Rumford, Falkirk, FK2 0ET on 10 June 2019.
5. Intimation of Support received from Mr Sue and Ian, Storrar, 23 Craigs Crescent, Rumford Grange, Rumford, Falkirk, FK2 0ET on 3 June 2019.
6. Intimation of Support received from Mr E Thom, Falkirk on 16 July 2019.
7. Intimation of Support received from Mr R Thomson on 17 July 2019.
8. Intimation of Support received from Miss S Jack on 17 July 2019.
9. Intimation of Support received from Mrs K Mercer Falkirk on 17 July 2019.
10. Intimation of Support received from Mr Scott Manzie, Falkirk on 17 July 2019.
11. Letter of Objection received from Mr Michael Bolton, 22 Hamilton Crescent, Maddiston, Falkirk, FK2 0NW on 21 July 2019.
12. Intimation of Support received from Mr Paul McGrath, 10 Benny Drive, Denny, FK6 5FF on 17 July 2019.
13. Intimation of Support received from Mr Aaron Smith, Falkirk on 17 July 2019.
14. Intimation of Support received from Miss E Duffy, 16 Benny Drive, Denny, FK6 5FF on 17 July 2019.

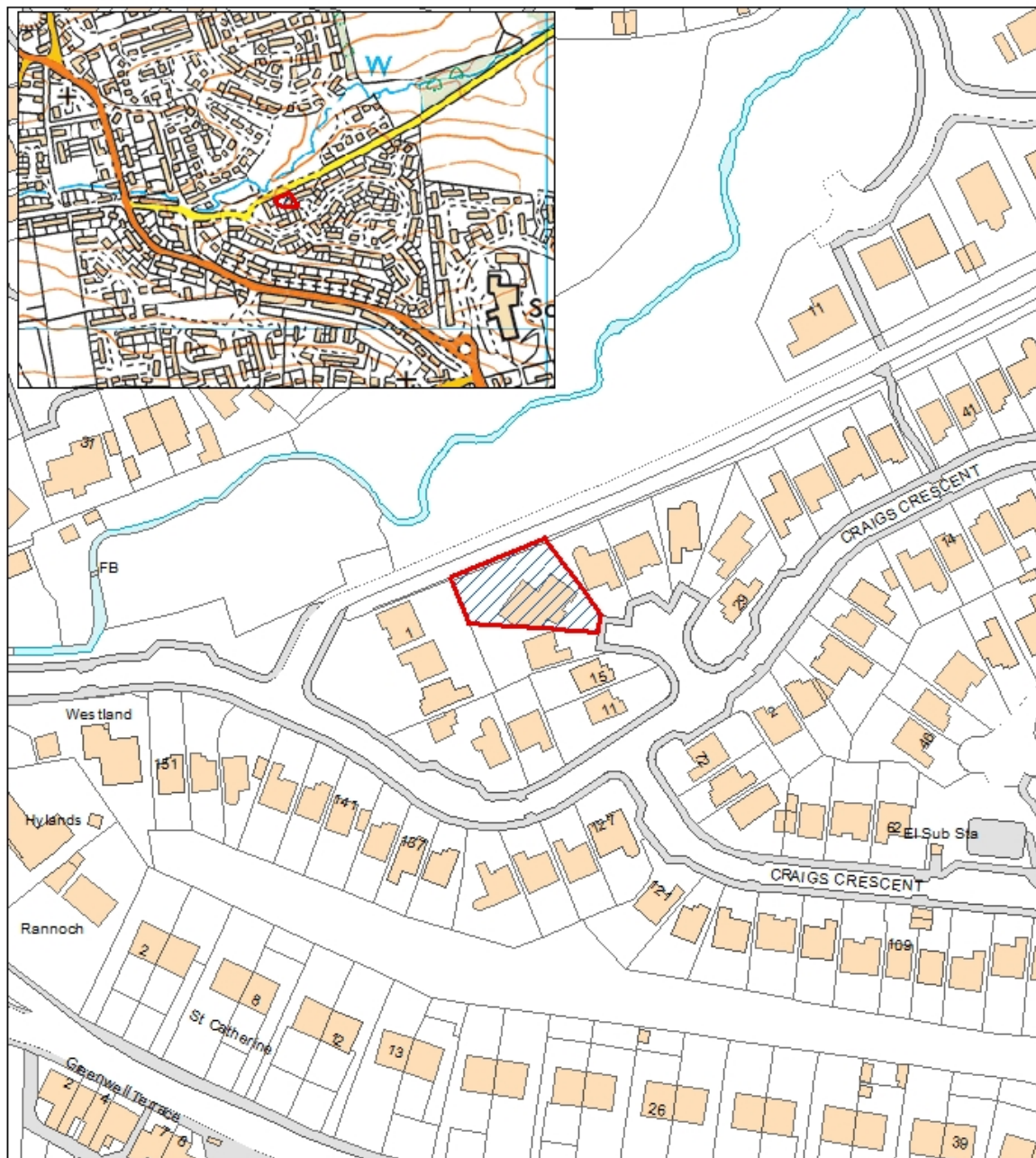
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0335/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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