



# **Agenda Item 10**

**ERECTION OF OUTBUILDING  
(RETROSPECTIVE) AT 13 SOUILLAC  
DRIVE, DENNY, FK6 5HE, FOR  
MR JAMIE CALLAGHAN -  
P/20/0518/FUL**

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**FALKIRK COUNCIL**

**Subject:** ERECTION OF OUTBUILDING (RETROSPECTIVE) AT  
13 SOUILLAC DRIVE, DENNY, FK6 5HE, FOR MR JAMIE  
CALLAGHAN - P/20/0518/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 JANUARY 2021

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Nigel Harris

**Community Council:** Denny and District

**Case Officer:** John Cooney (Assistant Planning Officer), Ext. 4705

[View this Application on Public Access](#)

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

- 1.1 The proposal seeks retrospective approval for a single storey “garden store” outbuilding with an L-shaped footprint in the north-east corner of the front garden of the property. This application has arisen following an enforcement complaint, and subsequent officer discussions with the applicant.
- 1.2 The application property comprises of an east-facing two storey detached dwellinghouse and driveway fronting Souillac Drive. The property is flanked by 11 Souillac Drive to the south, and 15 Souillac Drive to the north. The natural ground level slopes upwards from the street towards the house, where it levels out towards the rear of the site. There is an existing front extension to the house, for which no post-1990 planning history is available. The rear of the site bounds the M80 motorway cutting which runs north to south along the western side of Denny.
- 1.3 Several neighbouring properties along the west side of Souillac Drive have undertaken front or side extensions to the original houses, but none of these properties have built detached structures adjacent to their front boundaries with the street.
- 1.4 The dimensions of the structure are as follows:  
  
Width: 2.46 metres nearest the main house, widening to 4.47 metres nearest the street;

Depth: 1.34 metres on its southern side, and 5.00 metres at the northern property boundary;

Height: 3.40 metres adjacent to the street, and 2.63 metres nearest the house, as measured from natural ground level.

- 1.5 The materials are as follows: Dark grey fibre cement cladding, marine-grade ply fascia and soffits, uPVC-framed fenestration, and a 3-ply felt roof.
- 1.6 There is one window on each elevation, in addition to south-facing glazed double doors and a west-facing solid door. An open-air bin store is located behind the front wall of the property.
- 1.7 In addition, the front sloping driveway of the property has recently been extended over previous garden ground, and it is unclear if the paving is sufficiently permeable or drains to an appropriate soakaway to avoid water discharge onto the public road. Planning permission may therefore also be required for this recent development on site.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Paul Gardner to allow committee to consider the visual impact of the outbuilding.

## **3. SITE HISTORY**

- 3.1 There are no previous planning applications for this site of relevance to this application.

## **4. CONSULTATIONS**

- 4.1 The following responses to consultation were received:
- 4.2 The Coal Authority has no objection to the proposal.
- 4.3 Falkirk Council Roads Development Unit performed a desktop study and found that visibility when existing the driveway of No. 15 Souillac Drive would already have been compromised by an existing brick boundary wall. Roads officers were unable to determine without a site visit whether the recent outbuilding had further reduced this visibility. They were also unable to determine from a desktop study whether the recently re-paved driveway is porous in nature. If it is not porous, Roads officers would not support an increase in surface water runoff from the dwellinghouse when compared to the pre-development arrangement.

## 5. COMMUNITY COUNCIL

5.1 Denny and District Community Council have not made any representation.

## 6. PUBLIC REPRESENTATION

6.1 During consideration of the application, 4 letters of objection were received by the Council. The concerns raised are summarised as follows:

- Proposal has been built without prior notification of neighbours;
- Out of keeping with the application site and surrounding houses;
- Inappropriate position in front garden, dominating size and scale;
- Loss of view to neighbouring properties;
- Overlooking of neighbouring properties;
- The submitted drawings misrepresent the true height of the structure relative to the existing sloping public footway to the east; and
- Would create a negative precedent for other similar development on the street.

## 7. DETAILED APPRAISAL

7.1 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 \(LDP2\)](#) was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

#### HC08 - Residential Extensions and Alterations

7a.2 The proposal seeks retrospective approval for an L-shaped front garden outbuilding which occupies a raised position above the public footway along Souillac Drive. It is acknowledged that several neighbouring houses have built front extensions to their eastern front facades over time.

- 7a.3 The applicant has drawn officers' attention to previous development at four properties along the western side of Souillac Drive, which in their opinion justifies the current proposal. These include a front conservatory at No. 5 (incorrectly referred to as No. 3 by the applicant), a single storey front extension and side roof dormer at No. 17, two storey side extensions which flank No. 25, and a two storey front extension at No. 31. Based on aerial imagery, all of these household extensions date to before 2002, and no planning history is available for these publicly visible structures after 1990. As such, none of these publicly visible extensions were granted planning permission under current Council policies, which have evolved significantly over the intervening 30 years.
- 7a.4 Having said this, the established character of the street may make certain household extension proposals more acceptable on this street than in other parts of the Falkirk Council area. However, it is important to state that all such existing extensions at neighbouring properties along Souillac Drive are set back considerably from the street, with the front extension at No. 23 being closest to the street with a set-back of approximately 4.25 metres.
- 7a.5 In contrast, the proposed detached structure in this application is set 2.96 metres forward of the front wall of the extended house, and the structure then protrudes a further 5 metres right up to the front property boundary. No such similar development exists along the street, and the outbuilding therefore appears much more prominent in wider views from the north, south and east than any of the neighbouring household extensions the applicant has highlighted.
- 7a.6 The size, design, and prominent raised position of the structure relative to the public footway therefore fails to complement the appearance of the existing house, and indeed blocks views of the house itself from the east on MacLachlan Avenue. Furthermore, the outbuilding's appearance is at odds with the established character of the surrounding development, and sets a poor example for future development proposals elsewhere along the street. The mere existence of other development nearby, which is different and less prominent than the current proposal, fails to justify the construction of this structure in its front garden location. A rear garden location would be much more appropriate, and may not even have required planning permission, depending on the height of the structure.
- 7a.7 In terms of neighbours' living conditions, the north and west-facing windows do overlook and block some light to the front garden of the northern neighbour at 15 Souillac Drive. Whilst this is an unusual relationship between the front gardens of two houses, it is not considered harmful to neighbours' living conditions. Moreover, the overlooking issue could easily be overcome by a planning condition requiring obscure glazing of the north-facing window, if the application were to be approved.
- 7a.8 The proposal would not exacerbate road safety issues as high boundary walls already existed along the boundary with the northern neighbour prior to the construction of this structure. As noted by Roads officers, it is unclear whether the recent driveway contains sufficient drainage arrangements to prevent rainwater run-off onto the public road.

- 7a.9 Whilst the proposal is considered acceptable in terms of neighbour impact and road safety, this does not outweigh the harm identified to the appearance of the property, street scene and wider area. There are no public benefits associated with the proposal which would outweigh the visual harm identified. The applicant has also failed to provide sufficient justification in policy terms for why a detached outbuilding would be acceptable in this front garden location.
- 7a.10 As such, the proposal fails to accord with Local Development Plan Policy HC08 – Residential Extensions and Alterations, and is therefore contrary to the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are Falkirk Council non-statutory supplementary guidance, and the public representations.

### **Falkirk Council Supplementary Planning Guidance**

#### **Falkirk Council Supplementary Guidance SG03 Residential Extensions and Alterations**

- 7b.2 Paragraph 3.4 of Supplementary Guidance SG03 states that “Garages and outbuildings should not normally be in the front garden of domestic properties and should not be over dominant in relation to the existing and surrounding properties.” The position of garages relative to the house should be informed by the character of the surrounding area. All outbuildings must be smaller in scale and subservient to the house. Where possible the materials used for garages and outbuildings should be complementary *[to]* the dwelling.”
- 7b.3 The proposed retrospective outbuilding is located in the front garden of the house, and is the only front garden outbuilding along the street. The structure towers over the adjacent public footway by 3.40 metres, and fails to respond positively to the appearance of the house or the wider street scene. A structure of this design and footprint is much more appropriate within a rear garden context where public views are limited.
- 7b.4 As such, the proposal fails to accord with Supplementary Guidance SG03.

### **Public Representations**

- 7b.5 The public representations are summarised in Section 6 of this report, and are addressed in turn as follows:
- It is acknowledged that planning permission was not sought prior to construction of the structure. The current retrospective planning application has been subject to statutory neighbour notification and is assessed on its own merits.
  - Officers agree that the proposal is out of keeping with the application site and surrounding front gardens.
  - Officers agree that the front garden position, and size and scale of the proposal are inappropriate in this context.
  - Loss of view is not a planning consideration.

- Whilst there would be some overlooking of neighbouring front gardens, this would not be to a harmful extent.
- The submitted drawings are considered satisfactory relative to the level of the pavement outwith the site, and for the purposes of this planning assessment.
- Each development proposal is assessed upon its own merits, and this is relevant for any future similar proposal elsewhere along this street. It is agreed that the retention of the current structure would constitute a poor example for future front garden development proposals in the area.

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

- 7b.6 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.
- 7b.7 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

### **Human Rights Assessment**

- 7b.8 The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. The Human Rights Act 1998 adds a new test of proportionality to local authorities' decision making and in its assessment of development proposals the planning authority should be satisfied that it had acted proportionately, whether the action is proportionate to its aim. The Human Rights Act 1998 has been considered in reaching a recommendation to Planning Committee.

### **7c Conclusion**

- 7c.1 The proposal is an unacceptable form of development and fails to accord with Local Development Plan Policy HC08 for the reasons detailed in this report. There are no material planning considerations that warrant granting of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 **It is recommended that the Planning Committee refuses planning permission for the following reason(s):-**
- 1. The size, scale, design and position of the proposal fails to be sympathetic to the existing house, and is harmful to the character of the surrounding area. The proposal is contrary to the terms of Policy HC08 'Residential Extensions and Alterations' of the Local Development Plan.**

**Informative(s):-**

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

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**pp Acting Director of Development Services**

**Date: 12 January 2021**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG03 Residential Extensions and Alterations.
3. Objection received from Mr Alan Blackhall, 17 Souillac Drive, Denny, FK6 5HE on 18 November 2020.
4. Objection received from Derek Dyson, 4 Souillac Drive, Denny, FK6 5HE on 19 November 2020.
5. Representation received from Mrs M Cameron, 11 Souillac Drive, Denny, FK6 5HE on 13 November 2020.
6. Objection received from Mr George Reid, 7 Souillac Drive, Denny, FK6 5HE on 12 November 2020.

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



## **Policy Schedule**

### **HC08 Residential 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 impact on the functioning of garden ground, unacceptable loss of off-street parking or road safety issues.

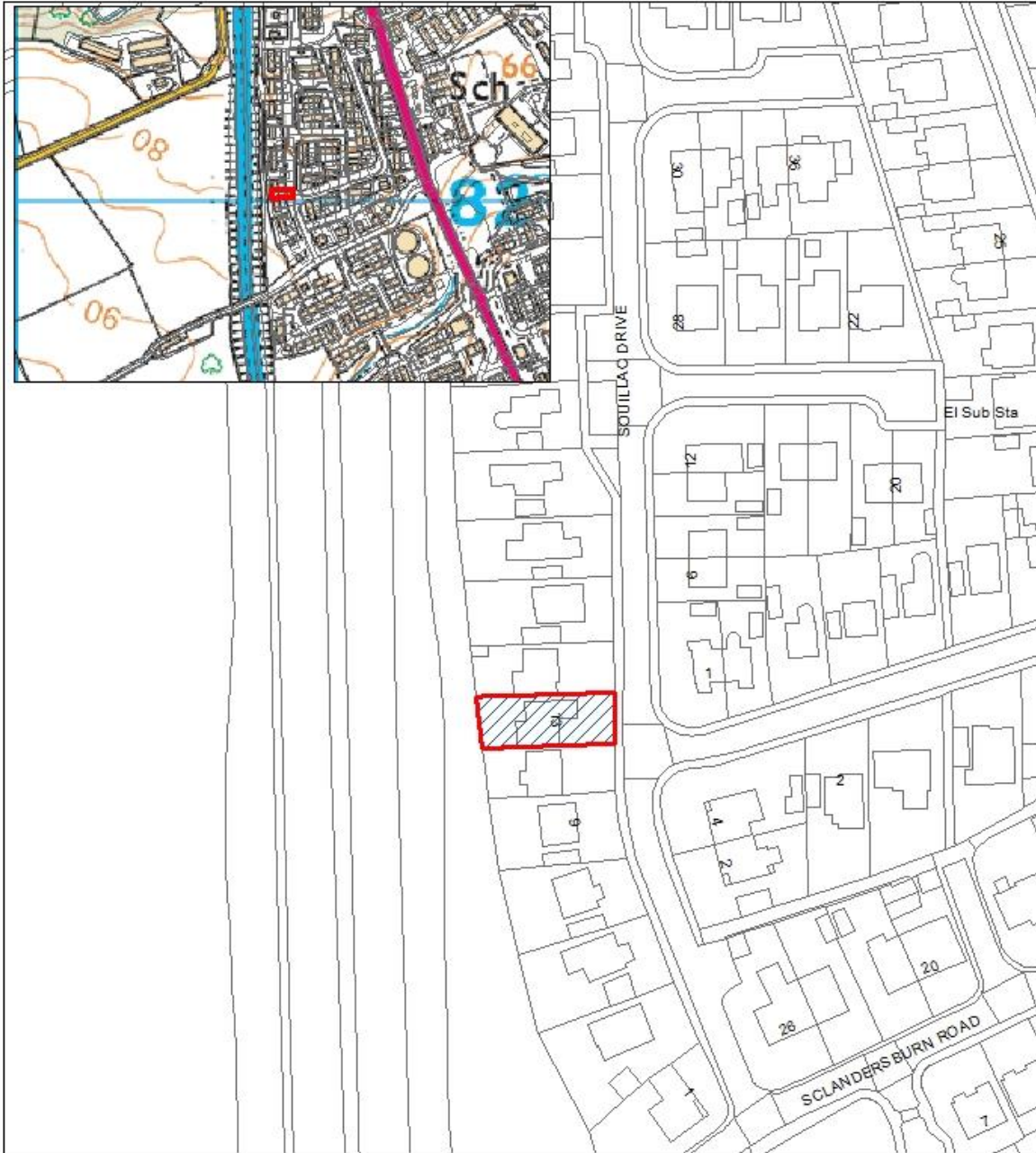
Detailed guidance on the application of these criteria is set out in Supplementary Guidance SG03 'Residential Extensions and Alterations'.

# Planning Committee

## Planning Application Location Plan

# P/20/0518/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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