



## **Agenda Item 5**

**EXTENSION TO DWELLINGHOUSE AT 6  
HAYWORTH AVENUE, LAURIESTON,  
FALKIRK, FK2 9NH FOR MR ANDREW  
BOGAN - P/21/0469/FUL**

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE AT 6 HAYWORTH AVENUE, LAURIESTON, FALKIRK, FK2 9NH FOR MR ANDREW BOGAN - P/21/0469/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 17 November 2021

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Adanna McCue  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Lower Braes (Inactive)

**Case Officer:** Stewart Robson (Graduate Planner), Ext. 4720

[View this Application on Public Access](#)

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

- 1.1 The application site comprises a two-storey detached dwellinghouse which faces northeast on Hayworth Avenue, Laurieston. The application house is flanked by 8 Sandyloan to the west and is bounded by Hayworth Avenue to the east, with 5 Hayworth Avenue to the rear. The natural ground level rises upward toward the rear of the site.
- 1.2 The proposal seeks to introduce a two-storey side extension with pitched roof. The side extension would be roughcast to match the existing dwellinghouse. The proposed extension would be 4.08 metres in width and 5.95 metres in depth, with 5.36 metres in eaves height and 7.65 metres in maximum height.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Alan Nimmo to allow the Planning Committee to consider any potential impacts the proposed extension would have on neighbouring properties and allow those with any interest in the application the opportunity to address the Committee.

**3. SITE HISTORY**

- 3.1 P/13/0751/FUL Detail - Granted 03.01.2014 Extension to Dwellinghouse (Dormer).

- 3.2 P/20/0101/CPL Proposed Use Certified as Lawful 01.05.2020 Extension to Dwellinghouse.

#### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Environmental Protection Unit have no objections.
- 4.2 Historic Environment Scotland have no objections
- 4.3 Architectural Heritage Society Of Scotland have no objections.
- 4.4 Falkirk Council's Museum Service have no objections subject to archaeological conditions.

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

- 5.1 Lower Braes Community Council are not active at this time.

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

- 6.1 In the course of the application, 2 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- Concerns regarding loss of light and overshadowing;
  - Concerns regarding loss of privacy and overlooking;
  - Negative impact on visual amenity and appearance of the streetscape.

#### **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 \(LDP2\)](#) 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 size, scale, and design of the proposed extension would be large in relation to its location, particularly given the proposal sits on a prominent corner plot. The development would consist of a two-storey extension to facilitate provision of an additional bedroom and living area. However on balance it is deemed this would not be harmful to the street scene. There would be no additional harm to neighbours' living conditions through loss of privacy, as the additional first floor window to the rear elevation of the property is to be obscure glazed. While some overshadowing of the neighbouring property will occur, this has been assessed and is not deemed to be to a harmful extent as the proposed development will not overshadow existing neighbouring windows. As such, the proposal would accord with Policy HC08.

#### PE05 - Antonine Wall

- 7a.3 The proposal is an extension to an existing building and would not have an adverse effect on the site and its setting within the Antonine Wall World Heritage Site (WHS). The proposed development will not change the prominence/dominance of the WHS in the landscape; obstruct views to and from the WHS; or make changes in the overall preservation of the landscape setting.
- 7a.4 Given the area of the proposed development has been previously developed, the fabric of the Antonine Wall may have already been compromised in this area. In these areas the key consideration in determining a proposal would be whether the new development will result in additional loss or damage to archaeological remains. The non-statutory guidance SG07 sets a sub-ground limit (Vertical Buffer Zone) - below which no excavation should take place. This proposal should not extend below the vertical buffer zone and therefore should be acceptable. No objections were raised in relation to the proposal from the Council's Museum Service subject to appropriate archaeological conditions. As such, the proposal would accord with Policy PE05.

### **7b Material Considerations**

- 7b.1 The material consideration to be assessed are Falkirk Council Supplementary Guidance, Assessment of Public Representations and Consideration of the Site in relation to Coal Mining Legacy.

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

#### Supplementary Guidance SG03 - Residential Extensions and Alterations

- 7b.2 The size, scale, and design of the proposed extension would be large in relation to its location, however on balance it is deemed this would not be harmful to the street scene. There would be no additional harm to neighbours' living conditions through loss of privacy, as the additional first floor window to the rear elevation of the property is to be obscure glazed. While it is acknowledged that some overshadowing of the neighbouring property will occur, this has been assessed and is not deemed to be to a harmful extent as the proposed development is below a 25° line from the midpoint of an existing neighbouring windows.
- 7b.3 In addition, while the proposal would result in an increase in parking demand, no reduction in parking provision at the property will occur as a result of the proposals. Parking requirement for the proposal can be met by utilising the existing driveway.
- 7b.4 As such, the proposal accords with Supplementary Guidance SG03 - Residential Extensions and Alterations.

### Frontiers of the Roman Empire (Antonine Wall) World Heritage Site SPG

- 7b.5 The site of the proposed development has been previously developed, and as such the fabric of the Antonine Wall may have already been compromised in this area. In these areas the key consideration in determining a proposal would be whether the new development will result in additional loss or damage to archaeological remains. The non-statutory SPG sets a sub-ground limit (Vertical Buffer Zone) – below which no excavation should take place.
- 7b.6 This proposal should not extend below the vertical buffer zone and therefore should be acceptable. No objections were raised in relation to the proposal from the Council's Museum Service subject to appropriate archaeological conditions.
- 7b.7 As such, the proposal accords with the non-statutory Frontiers of the Roman Empire (Antonine Wall) World Heritage Site SPG.

### **Assessment of Public Representations**

- 7b.8 With regards to overshadowing, SG03 Residential Extensions and Alterations sets out guidance for assessing loss of light to habitable rooms, as well as overlooking. In this instance, no unacceptable overshadowing or overlooking which would affect the daylight or privacy enjoyed by neighbouring properties was found as a result of the proposals, when assessed using the guidance.
- 7b.9 Officer assessment of the size, scale, and design of the proposed extension concluded that while the proposal is large, on balance this would not harm the visual amenity or the street scene due to its set back location from the front elevation, set down ridge height and appropriate design.

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

- 7b.10 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.11 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.12 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

### **7c Conclusion**

- 7c.1 The proposal is considered to be acceptable development as it accords with Local Development Plan Policies HC08 and PE05. There are no material considerations which would justify a recommendation to refuse this application.

## **8. HUMAN RIGHTS AND EQUALITY ASSESSMENT**

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

## **9. RECOMMENDATION**

- 9.1 It is recommended that Planning Committee grant the planning application 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. The recent archaeological work at this site has shown that any Roman stratigraphy is a little over 0.6m below the present surface. The foundations of the proposed extension and any associated service trenches must be placed above these deposits - unless prior written permission is given by the Planning Authority.
3. If any archaeological remains are found, the developer shall notify the Planning Authority. The developer shall afford access at all reasonable times to any archaeologist nominated by the Planning Authority, and shall allow that person to observe work in progress and record items of interest and finds.
4. Notwithstanding the terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended) Class 2B, no additional windows shall be added to the roof or elevations of the approved extension, unless otherwise agreed in writing by the Local Planning Authority.
5. The proposed first floor window on the rear elevation of the extension shall be glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be installed prior to the use of the extension commencing. It shall thereafter be permanently maintained as obscure glazing to the approved specification.

### **Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2,3. To ensure that any archaeological remains are safeguarded.
4. To protect the amenity of neighbouring properties.
5. To prevent an unacceptable increase in overlooking of 8 Sandyloan in accordance with policy HC08 of the Adopted Falkirk Local Development Plan 2.

**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, 03 and 04.
2. 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.
3. 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.
4. The applicant 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

.....  
**pp Director of Development Services**

**Date: 5 November 2021**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG03 'Residential Extensions and Alterations'.
3. Objection received from Mr Alexander Dick, 41 Sandyloan, Laurieston, Falkirk, FK2 9NX on 19 September 2021.
4. Objection received from Mrs Julie Steel, 8 Sandyloan, Laurieston, Falkirk, FK2 9NQ on 18 August 2021.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504720 and ask for Stewart Robson, Graduate Planner.



## **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'.

### **PE05 Antonine Wall**

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

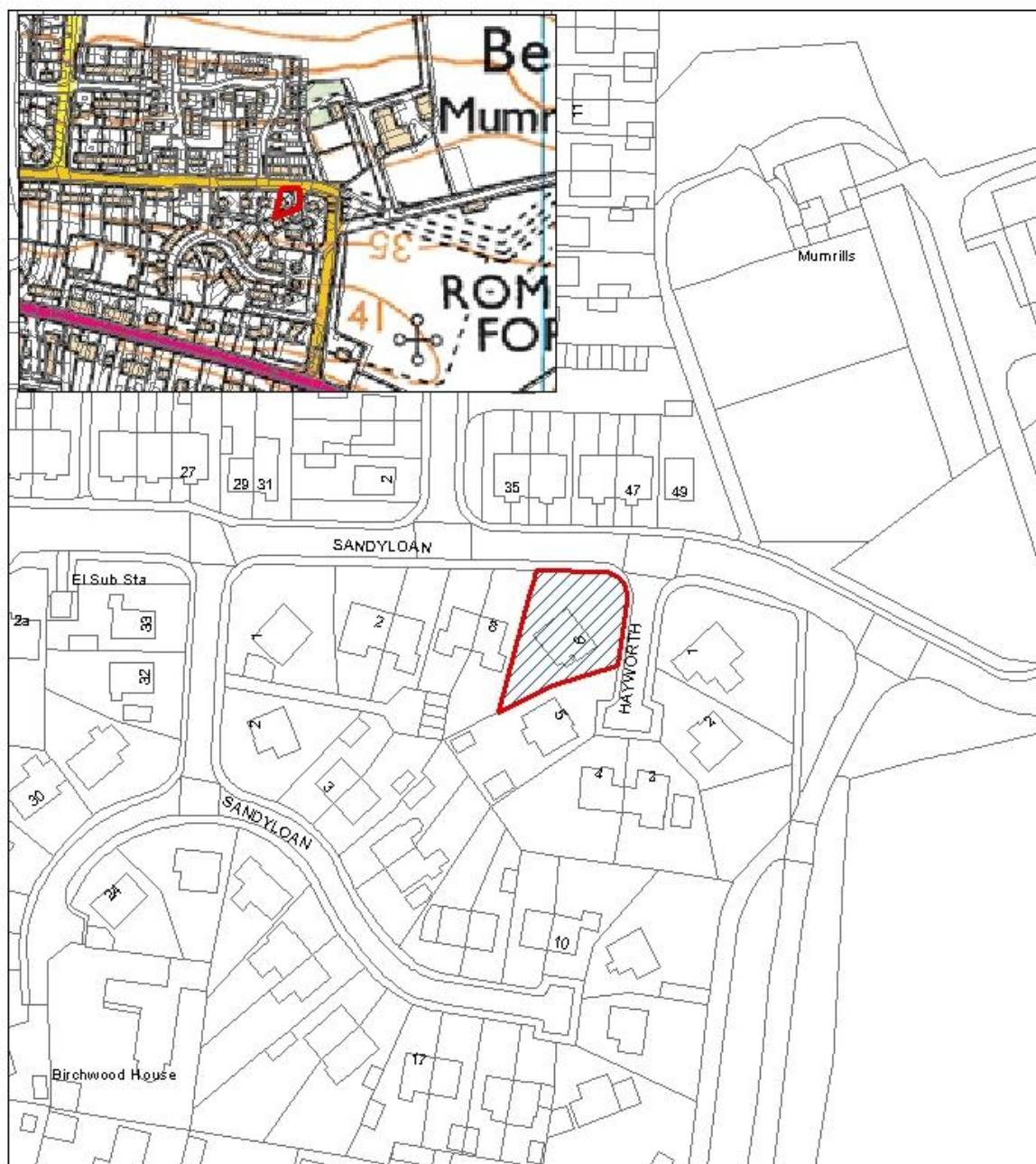
1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;
2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Environment Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and
3. Supplementary Guidance SG11 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.

# Planning Committee

## Planning Application Location Plan

**P/21/0469/FUL**

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



© Crown copyright and database rights 2021 Ordnance Survey 100023384. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.