

**FALKIRK COUNCIL**

**Subject:** SUB-DIVISION OF GARDEN GROUND AND ERECTION OF ONE AND A HALF STOREY DWELLINGHOUSE AT 2A PRETORIA ROAD, LARBERT FK5 4NB FOR MR AND MRS ADRIAN – P/10/0066/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 16 June 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Julie Seidel (Planning Officer), ext 4880

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall this application was considered at the meeting of the Planning Committee on 19 May 2010 (copy of report appended) when it was decided to undertake a site visit prior to determination of the application. This visit took place on 31 May 2010.
2. At the site visit the applicant and agent spoke in support of the application and stated that in their view there would be adequate garden ground to serve the existing and proposed dwellinghouse. It was also submitted that the proposed dwellinghouse was comparable to other developments within the surrounding area.
3. Local Member Councillor Tom Coleman was heard in relation to the proposal and stated that in his view it was compliant with policy and was similar to other recent developments within the vicinity.
4. It should be noted that following the site visit, the applicant was indicated that, if Members considered it to be appropriate, she would be willing to amend the design of the proposed dwellinghouse to reduce its height and footprint.
5. No matters were raised which would amend the original recommendation to refuse planning permission.

## **6. RECOMMENDATION**

**6.1** It is therefore recommended that the Committee refuse planning permission for the following reason(s):

- (1)** The proposed development is contrary to policy LAR 6 'Infill Development and Subdivision of Plots' of the adopted Larbert and Stenhousemuir Local Plan, Policy SC2 'Windfall Housing Development Within The Urban / Village Limit', policy SC8 'Infill Development and Subdivision Of Plots' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council's Supplementary Guidance as the disposition and density of the proposed development would fail to respect the character or settlement pattern of the area and an adequate level of garden ground could not be achieved for the proposal, or retained for the original dwelling. The proposal would represent an overdevelopment of the available site and fail to achieve a satisfactory level of residential amenity.

**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, 04, 05A, 06, 07A, 08, 09, 10 and 11.

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**Director of Development Services**

**Date: 8 June 2010**

### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan
2. Adopted Larbert and Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Supplementary Planning Guidance for Housing Layout and Design

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

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**Meeting:** PLANNING COMMITTEE

**Date:** 19 May 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Julie Seidel (Planning Officer) Ext, 4880

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

- 1.1 The application seeks detailed planning permission for the erection of an additional dwellinghouse in the side garden of 2A Pretoria Road, Larbert.
- 1.2 The adjacent dwellinghouse to which the site relates is single storey. The application site is currently utilised as garden ground and a domestic garage is present on site. The application site fronts Pretoria Road and is bounded to the east by a bowling green, to the north by residential properties fronting Pretoria Road and to the south by adjacent garden ground.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Tom Coleman.

**3. SITE HISTORY**

- 3.1 There is no planning history for the application site.

**4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that there is insufficient information accompanying the application to determine the size and layout of the parking areas post development.
- 4.2 Scottish Water has no objection to the application.

- 4.3 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of a factory, works and other potential sources of land contamination within 250 metres of the site.

## **5. COMMUNITY COUNCIL**

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council have not commented on this application.

## **6. PUBLIC REPRESENTATION**

- 6.1 No letters of representation have been received.

## **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**

#### ***Approved Falkirk Council Structure Plan***

- 7a.1 The proposed development does not have any strategic implications and therefore the policies of the approved Structure Plan are not relevant.

#### ***Adopted Larbert and Stenhousemuir Local Plan***

- 7a.2 The application site lies within the urban limit as defined in the adopted Larbert and Stenhousemuir Local Plan

- 7a.3 Policy LAR 6 'Infill Development and Subdivision of Plots' states:

*"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties, or on infill sites will be considered favourably provided that :-*

- (i) the scale, design and disposition of the proposed house or houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without detrimental impact on the size and function of the existing garden;*
- (iii) the privacy enjoyed by neighbouring residents would be protected;*
- (iv) the proposal will not result in a loss of trees, which would be detrimental to the amenity of the neighbourhood; and*
- (v) the proposal does not constitute backland development (i.e. development of a plot without a road frontage)."*

- 7a.4 Policy LAR 6 aims to promote environmental quality in new residential development. With reference to criterion (1), the scale and design of the proposed house is acceptable and would generally respect the architectural style of surrounding properties. The disposition and density of the proposal would, however, fail to respect the character and settlement pattern of the area. The proposal would fail to achieve a level of residential amenity enjoyed by neighbouring properties, with respect to the size and shape of the application site, and footprint of the proposed dwelling. The overdevelopment of the site may give rise to an unacceptable impact on the amenity of the established residential area. With reference to criteria (2), it is considered the application site would not provide an adequate amount of garden ground for the proposed house, or retained for the original dwelling, in comparison with surrounding properties and the general settlement pattern of the area. With reference to criteria (3) and (4), the proposal would not result in an unacceptable impact on the privacy of neighbouring properties or result in the loss of any trees. With reference to criterion (5), the development does not constitute backland development. On balance, the proposal fails to accord with policy LAR 6.
- 7a.5 Accordingly, the proposed development does not accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material planning considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Council's Supplementary Planning Guidance on Housing Layout and Design and the consultation responses.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 The application site lies within the urban limit as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.3 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

*"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:*

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7b.4 Policy SC2 supports new housing within the urban limits where certain criteria are satisfied. With reference to criterion (1), the application site is not brownfield land and, being garden ground, could be considered a form of urban open space. The proposal is, however, considered to accord with Policy SC12 (Urban Open Space) as it would not give rise to any material loss of amenity space or impact on land with recreational, ecological or public access interests. With reference to criterion (2), the proposal would be compatible with neighbouring uses, but there are concerns that the application site is not large enough to provide adequate garden ground for the proposed house nor to retain a reasonable level of garden ground for the existing property. It has therefore not been demonstrated that a satisfactory level of residential amenity could be achieved and as such may impact on the amenity of the established residential area. With reference to criterion (4), there are concerns regarding parking for the proposal and existing dwelling. With reference to criteria (5) and (6), the proposed development is considered to be contrary to Policy SC8 for the reasons detailed in this report and as such conflicts with other Local Plan policy. The proposed development is considered to accord with criteria (3). On balance, the proposed development fails to accord with policy SC2.

7b.5 Policy SC8 'Infill Development and Subdivision of Plots' states:

*"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:*

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies."*

7b.6 This policy provides for the erection of additional dwellinghouses within the curtilage of existing properties subject to certain criteria being met. With reference to criterion (1), the density and disposition of the proposed development are out of keeping with the character of the area. The proposal would fail to achieve a level of residential amenity enjoyed by neighbouring properties, with respect to the size and shape of the application site, and footprint of the proposed dwelling. The overdevelopment of the site may give rise to an unacceptable impact on the amenity of the established residential area. With reference to criteria (2) and (3), there are concerns that the application site is not sufficiently large to provide adequate garden ground to serve both the existing and proposed dwellinghouses. No information has been submitted to demonstrate that these concerns could be adequately addressed. The proposal would afford adequate privacy to adjacent properties. With reference to criterion (5), concerns have been raised in this report regarding parking for the proposal and existing property. The proposed development is considered to accord with criterion (4). The proposal fails to comply with other Local Plan policy and is contrary to criterion (6). On balance, the proposed development fails to accord with policy SC8.

## ***Falkirk Council's Supplementary Guidance***

- 7b.7 The Council's Supplementary Planning Guidance for Housing Layout and Design presumes against tandem development where there are concerns with the amenity and size of the resulting private gardens (a minimum garden length of 9 metres is required). The proposed house would only achieve a garden length of approximately 5.3m. In this instance it has not been demonstrated that these standards could be met, therefore it cannot be concluded that the proposed development satisfies this guidance.

## ***Additional Planning Considerations***

- 7b.8 The residential area is characterized by flatted dwellings and detached and semi-detached dwellings which front Stirling and Pretoria Road with regular linear plots and a comfortable level of garden ground for the established residential area. The application site is unusual in that the existing dwelling is developed hard onto the boundary with Stirling Road and has a very small front garden of only approximately 2 metres onto Pretoria Road. The only usable garden area for the original dwelling is the side garden.
- 7b.9 The proposal would result in the erection of a dwellinghouse in the side garden of the original dwellinghouse. Off street parking would have to be provided for both properties at the rate of two spaces for the original dwelling and one space for the proposal. The Roads Development Unit have raised concerns that there is insufficient information accompanying the application, to determine the size and layout of the parking area post development. In any event, the requirement for in-curtilage parking should be noted when considering the level of garden ground available post development.
- 7b.10 The proposal would result in the existing garden area being more than halved to accommodate the application site. Taking into account areas of garden which are unusable and the requirement for in-curtilage parking, the usable garden space for the original dwellinghouse, post development, would be less than the footprint of the house. Similarly, the proposed dwelling would have an area of usable garden ground smaller than the footprint of the house. This arrangement of building footprint to garden ground does not reflect the settlement pattern or character of the area and in particular when compared with adjacent properties. It is considered that this overdevelopment of a fairly modest dwellinghouse within the established residential area, may give rise to an unacceptable impact on the amenity of the area.

## ***Consultation Responses***

- 7b.11 The consultation responses have been summarised in section 4 of this report. The concerns raised by the Roads Development Unit are noted. The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any grant of permission.

## **7c Conclusion**

- 7c.1 The proposed development is considered to be contrary to the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report. In addition, it is not supported by the Council's Supplementary Planning Guidance for Housing Layout and Design. There are no material considerations to justify setting aside the terms of these plans and therefore the application is recommended for refusal.

## 8. RECOMMENDATION

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

- (1) The proposed development is contrary to policy LAR 6 'Infill Development and Subdivision of Plots' of the adopted Larbert and Stenhousemuir Local Plan, Policy SC2 'Windfall Housing Development Within The Urban / Village Limit', policy SC8 'Infill Development and Subdivision Of Plots' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council's Supplementary Guidance as the disposition and density of the proposed development would fail to respect the character or settlement pattern of the area and an adequate level of garden ground could not be achieved for the proposal, or retained for the original dwelling. The proposal would represent an overdevelopment of the available site and fail to achieve a satisfactory level of residential amenity.

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Director of Development Services

Date: 11 May 2010

### LIST OF BACKGROUND PAPERS

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2. Adopted Larbert and Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Supplementary Planning Guidance for Housing Layout and Design

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).



# Planning Committee

## Planning Application Location Plan P/10/0066/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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