

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DETACHED DOMESTIC GARAGE  
(AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT  
CHERRYBANK, DUNMORE, FALKIRK, FK2 8LY, FOR MR AND  
MRS D COOPER – P/10/0587/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 26 January 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst  
Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Airth Parish

**Case Officer:** Stephen McClure, (Planning Officer) Ext. 4702

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

- 1.1 The site consists of a recently completed dwelling located in the village of Dunmore, which is within the Dunmore Conservation Area. As part of the original application, referred to at paragraph 3.1 below, a double garage was granted permission with the dwelling. However, the occupants have constructed a garage in a different style and location from that granted permission and therefore, have submitted a retrospective application in relation to the garage as erected.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Craig Martin.

**3. SITE HISTORY**

- 3.1 P/07/0364/FUL was granted for the erection of a dwellinghouse with a detached double garage on the site on 22 May 2008.

**4. CONSULTATIONS**

- 4.1 Roads Development Unit have no objection to the proposal.

## **5. COMMUNITY COUNCIL**

5.1 The Community Council did not make comment.

## **6. PUBLIC REPRESENTATION**

6.1 No letters of objection or representation were 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**

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

7a.1 There are no relevant policies within the Falkirk Council Structure Plan which apply to this application.

#### ***Falkirk Council Local Plan***

7a.2 Policy EQ12 - 'Conservation Areas' states:

*"The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:*

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials."*

7a.3 The detached garage which has been erected is not considered to preserve or enhance the character of the Conservation Area. The original application which was submitted for a dwelling and the detached double garage was extensively discussed and a design suitable to the Conservation Area agreed. The dwelling has been erected with some minor alterations which were dealt with through a retrospective application; however, the garage which has been erected is not in the agreed location nor approved design. The setting, architectural style, massing and materials used, as well as its external materials e.g. windows, doors, exterior treatment etc. are not in keeping with the dwelling or the Conservation Area. Although there are some properties within the Dunmore Conservation Area that do not meet the expected standards of the Conservation Area, the majority of the village is well preserved. Where it is possible, all recent new builds or amendments to properties, have strictly taken into consideration the Conservation Area status. It is therefore considered that the proposal does not accord with Policy EQ12.

7a.4 Policy SC9 - 'Extensions And Alterations To Residential Properties' 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, or the unacceptable loss of off-street parking."*

7a.5 It is not considered that the erected detached garage's scale, design and materials are sympathetic to the dwelling or the Conservation Area status. The application originally granted permission had a garage design and position which was agreed in relation to the Conservation Area status. It also took into consideration the design of the dwelling and the overall plot. The garage which has been erected has not taken any of the original factors into consideration. It is therefore considered that the proposal does not accord with Policy SC9.

7a.6 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The following matters were considered to be material in the consideration of the application.

7b.2 Scottish Historic Environment Policy (SHEP) - The SHEP document sets out Scottish Ministers' policies for the historic environment, which includes Conservation Areas such as the Dunmore Conservation Area where the detached garage has been erected. Conservation Areas are defined by the SHEP as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". Once designated, it is the duty of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The detached garage which has been erected without permission, is not considered to preserve or enhance the designated Conservation Area, as the SHEP intends for any new build. The dwelling which the garage belongs to was carefully designed to a high architectural standard to preserve and enhance the overall Conservation Area. It is therefore considered that the detached garage which has been erected, does not meet the criteria set out in the SHEP document for the preservation and/or enhancement of designated Conservation Areas.

7b.3 Scottish Planning Policy (SPP) - It is stated within SPP that "Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.". It is considered that Dunmore Village as a whole is extremely well preserved, and great effort has been made with recent developments to continue this preservation. The SPP also states that new development within Conservation Areas should be appropriate to the character and setting of the Conservation Area, in terms of the design, materials, scale and siting. It is not considered that the detached garage has a neutral effect on the Conservation Area and does not preserve or enhance the character or appearance. It is therefore considered that the detached garage does not meet the relevant criteria set out by Scottish Planning Policy.

## **7c Conclusion**

7c.1 The proposed development is not considered to accord with the Development Plan. There are no material considerations to justify setting aside the terms of the Development Plan and the application is therefore recommended for refusal.

## **8. RECOMMENDATION**

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

- (1) The development is contrary to Policy EQ12 'Conservation Areas' and SC9 'Extensions and Alteration to Residential Properties' of the Falkirk Council Local Plan. It does not preserve or enhance the character of the Conservation Area, and the scale, design and materials are not sympathetic to the existing dwelling.

### **Informative(s)**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.

**Pp**

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**Director of Development Services**

**Date: 18 January 2011**

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (SPP).
4. Scottish Historic Environment Policy (SHEP).

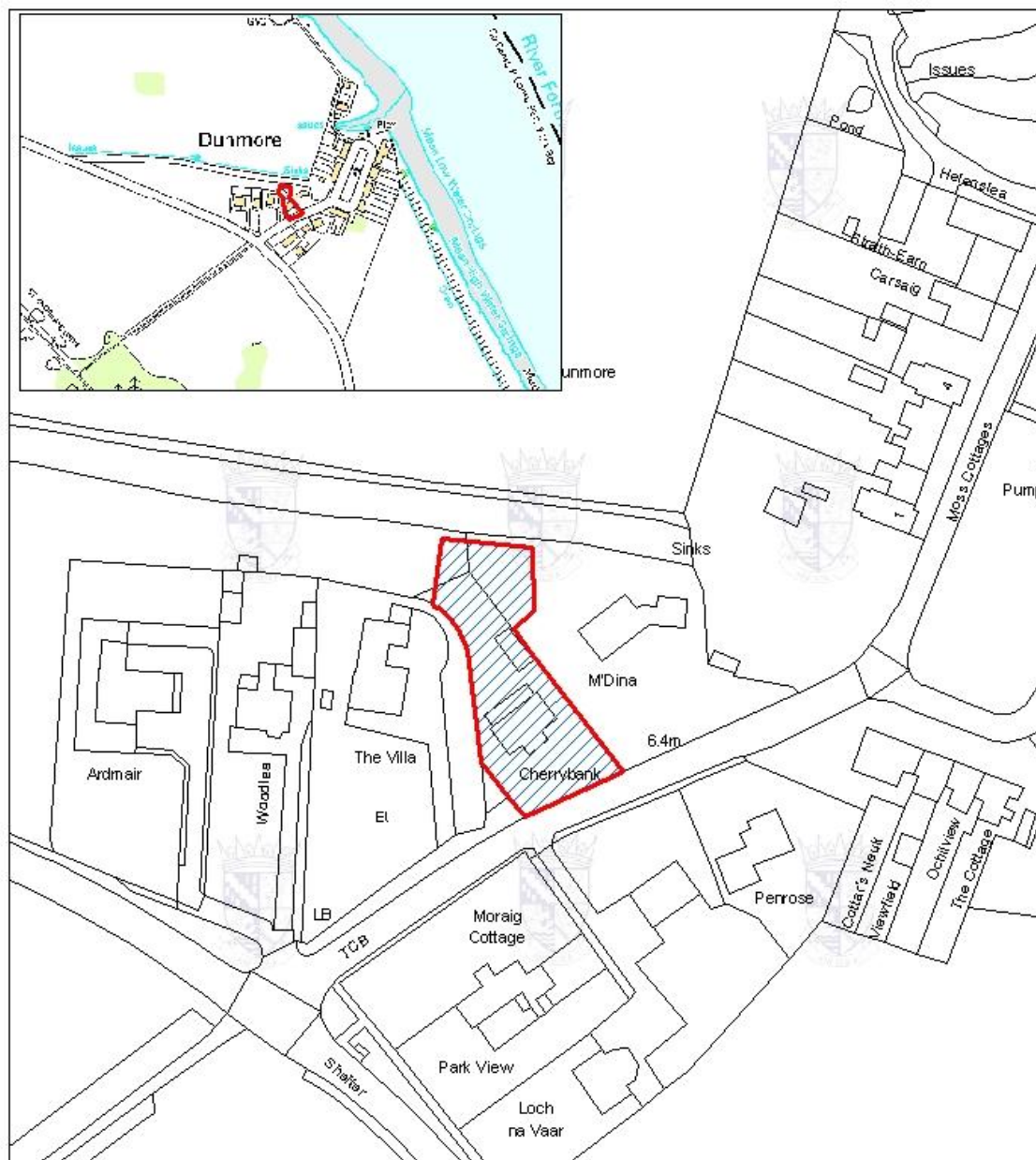
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/10/0587/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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