

FALKIRK COUNCIL

Subject: SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL

Meeting: PLANNING COMMITTEE

Date: 21 September 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: None

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 August 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 9 September 2011.
2. At the site meeting, it was highlighted to Members that this particular site had twice previously been the subject of proposals to sub-divide the garden ground and erect a dwelling (P/09/0069/FUL & P/10/0268/FUL), with the first being refused and the second withdrawn. Following further discussion with the Development Management, the applicant submitted a proposal for the whole site. This comprised the demolition of the existing single storey side extension and the replacement of a 1½ storey side extension with a reduced footprint. The remaining area to be to the south of the garden would be sub-divided and a new dwelling erected, with the design of the new dwelling taking its main features from the existing dwelling.
3. Objectors attending the site visit were neighbours who stayed adjacent or near to the site. The main issues raised were that the proposal was considered to be an overdevelopment of the site, there were structural issues with the neighbouring dwellings which could be exacerbated by construction traffic and the construction of the house on site. Existing provision would be affected. The issue of an underground burn that flows under the site could be disrupted, the streetscape and buildline would be affected, overshadowing from the proposed dwelling, overlooking / loss of privacy, and clarification over an area marked as void on the floor plans of the proposed property were also raised.

4. In respect of the issue of the void area marked on the plans, and it was explained the reason that this appeared on the plans was due to the proposed site levels. This section would be under the proposed ground level and therefore would not be developed for any use. It was highlighted that if in the future anything was to be undertaken in this area, it would be unlikely to require planning permission as it would be internal works within the footprint of the dwelling. Any resulting windows would be at base course level and would be very small in nature and would not raise any privacy concerns.
5. The issue of the burn, which had been suggested runs under the site, was also highlighted in discussion. This is not a material planning consideration.
6. Members also raised the issue of the structural damage that could occur to the neighbouring properties to the rear, which the owners at the site visit complained were already suffering subsidence. This is also not a material planning consideration, as this would be a matter for the applicant to address during construction.
7. Parking for the existing property and proposed new dwelling were also queried by Members. The Roads officer present explained that the street from which the proposed new access was to be taken was private, and that Falkirk Council had no control over this. However, it was confirmed that the parking and driveway were in accordance with the Council standards.
8. Members also raised the issue of the proposed boundary treatments, as it was thought that the proposed boundary treatment would lead to a large structure over two metres in height surrounding the dwelling. It was proposed the existing wall surrounding the site would be taken to a level of 1.6 metres, and at one location due to levels, may require additional fencing/wall to ensure appropriate screening. A condition is attached requiring a detailed landscaping plan to be submitted if the application was granted. This would detail the final fencing and wall arrangement and allow consideration to be given to the scale / impact of the screening whilst ensuring adequate privacy.
9. The Provost and Councillor Meiklejohn both reiterated the above matters of concern and concluded that the site was not suitable for the proposed dwelling, it would lack adequate useable garden ground, affect the privacy of neighbouring properties and overshadow neighbouring dwellings.
10. No matters were raised which would amend the original recommendation to grant planning permission.

11. RECOMMENDATION

11.2 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have**

originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) The existing dropped kerb footway crossing and associated tarred ramp in the carriageway channel on Cromwell Road, shall be removed, with the footpath returned to its original level.
 - (4) Development shall not begin until details of the scheme of hard and soft landscaping works for the entire site have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. a programme for completion and subsequent maintenance.
 - (5) A smooth render to be agreed in writing by the Planning Authority shall be applied to both the existing dwelling and the proposed dwelling.
 - (6) The new dwellinghouse shall not be occupied until work has been completed to remove the flat roof side extension of the existing dwelling, Windyknowe.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the interests of the users of the highway.

(4-5) To safeguard the environmental amenity of the area.

(6) The development would not be acceptable without the removal of the current extension.

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 and 03.

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Director of Development Services

Date: 14 September 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. The Falkirk Council Local Plan.
3. The Falkirk Council House Extensions and Alterations Supplementary Planning Guidance Note.
4. Letter of objection from Mr James Wilson, 5 Cromwell Road Falkirk FK1 1SF on 19 April 2011.
5. Letter of objection from Mr Alex Davidson, 13 Moncks Road Falkirk FK1 1SG on 20 April 2011.
6. Letter of objection from Boston J A and Anne A Glegg, 3 Cromwell Road Falkirk FK1 1SF on 15 April 2011.
7. Letter of objection from Mrs Carole Anne McDermott, 2 Cromwell Road Falkirk FK1 1SF on 11 April 2011.

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

FALKIRK COUNCIL

Subject: SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL

Meeting: PLANNING COMMITTEE

Date: 24 August 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: None

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 A large dwelling located within a well established residential area of Falkirk, which is adjacent to Bellsmeadow Park. It is proposed to demolish an existing flat roof extension to the side of the dwelling and construct a one and a half storey extension, with a reduced footprint. The dwelling has a large area of garden ground to the side, and it is proposed to sub-divide this area to create a new plot upon which a dwellinghouse is proposed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Provost Pat Reid.

3. SITE HISTORY

- 3.1 Planning application ref: P/09/0069/FUL for a sub-division of the plot and erection of a dwellinghouse was refused in May 2009 for the following reasons:-
- (1) The proposed dwelling did not respect the townscape character or provide adequate/private garden ground to it and the existing dwelling in terms of the proposed scale, density and disposition.
 - (2) The proposed development would have left the existing dwelling with inadequate parking provision.

- 3.2 Planning application ref: P/10/0268/FUL, for the erection, again, of an additional dwellinghouse was submitted in April 2010 but was subsequently withdrawn. This was following concerns about its position within the plot and relation to the host dwelling.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objection to the proposal.
- 4.2 Scottish Water has no objection to the proposal.
- 4.3 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributors submitted letters to the Council. The salient issues are summarised below:-

- Close proximity of the proposed dwelling to 2 Cromwell Road.
- The proposed dwelling would affect the value of neighbouring properties.
- Privacy would be affected to 2 Cromwell Road.
- The proposed property would be out of character with other dwellings in the street.
- The burn running under the property may be affected and affect surrounding properties.
- Disruption and mess caused by builders at the site would affect access and could cause a safety issue to children.
- 3 Cromwell Road would be overshadowed by the proposed new dwelling.
- 3 Cromwell Road would be overlooked and the residents have their privacy affected.
- The method of construction could cause structural damage to 3 Cromwell Road.
- There would be an increase in traffic in Cromwell Road due to the proposed dwelling.
- The proposed driveway location could cause a safety issue.
- The area has a history of burst water main at this location, a new dwelling could make this worse.

- The property would lack adequate garden ground.
- The property would sit forward of the building line of the street.
- The height of the property would be too high.
- View of the adjacent park would be lost for neighbouring dwellings.

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

Falkirk Council Local Plan

7a.2 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, 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."*

7a.3 The erection of a dwellinghouse at this site is compatible with neighbouring uses, being an established residential area, and it is considered that a satisfactory level of residential amenity could be achieved. The site enjoys good accessibility to public transport, walking routes and cycling routes to shopping, recreational and other community facilities. The existing physical infrastructure such as roads, drainage and water supply is in place and could accommodate a further dwelling at the location. It is therefore considered that the proposal accords with Policy SC2.

7a.4 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."*

7a.5 The proposed dwelling's scale, density, disposition and design is considered to respect the architectural and townscape character of the area. Although this corner plot presents a number of design challenges, the proposed property has been carefully considered in terms of the plot size. The design of the new dwelling has been taken from the existing dwelling on the site, with all the main features being replicated within the new design. The new dwelling would have a direct street frontage onto Cromwell Road West, although would protrude into the building line of Cromwell Road. However, this is in keeping with the streetscape, with the dwelling at the opposite end of Cromwell Road fronting Moncks Road (to the east of the site) also protruding into the building line.

7a.6 It is considered that, although limited, there would be adequate garden ground provided to serve the new property, as it is intended to use the site levels and create flat terraced areas. The removal of the area of garden ground for the proposed dwelling would also not have an unacceptable impact upon the size and function of the garden ground of the existing dwelling, with a satisfactory area remaining.

7a.7 Owing to the positioning of the proposed dwelling, it is not considered that there would be an unacceptable loss of privacy to the neighbouring dwelling. The proposed new dwelling's rear windows could look onto the front garden and gable end of the neighbouring property to the rear, with no windows looking directly into one another. Due to this, privacy would be afforded to both the proposed dwelling and the neighbouring property. No other properties would be affected in regard to privacy. The proposed access to the new property and the existing property would be taken from the private road of Cromwell Road West. The existing access from Cromwell Road would be removed and the footpath reinstated. Both the accesses and parking are considered to be appropriate and to the levels required. It is therefore considered that the proposal accords with Policy SC8.

7a.8 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.9 As part of the proposal, the existing dwelling would have a flat roof extension to the side demolished and replaced with a one and a half storey extension, which would be reduced in length from the existing extension. The proposed scale, design and materials are sympathetic to the existing building with features of the existing dwelling being integrated into the proposal. The proposed location and scale of the extension and alterations would not significantly affect the degree of amenity, daylight or privacy enjoyed by the neighbouring properties. The proposed extension would not result in overdevelopment of the plot, with a smaller footprint than the current side extension, it would not directly affect the functioning of the garden ground or parking. It is therefore considered that the proposal accords with Policy SC9.
- 7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Council Supplementary Guidance and assessment of public representations.

Falkirk Council Supplementary Guidance

- 7b.2 The proposed extension to the existing property meets the criteria of the Supplementary Guidance. It is therefore considered that the proposal accords with the House Extensions and Alterations Supplementary Planning Guidance Note.

Assessment of Public representations

- 7b.3 The proposed dwelling would be an acceptable distance from 2 Cromwell Road.
- 7b.4 Any effect on the value of properties is not a material planning consideration.
- 7b.5 Privacy would not be affected to an unacceptable degree at 2 Cromwell Road due to the distance between the properties, with only two small decorative windows in the proposed elevation.
- 7b.6 The area has no distinctive character in relation to house design, with a mix of single, one and a half and two storey dwellings. The proposed dwelling has also taken its features from the existing dwelling to create a smaller version of this property.
- 7b.7 The burn that runs under the property is not a material planning consideration.
- 7b.8 Method of construction is not a material planning consideration.
- 7b.9 It is not considered that there would be an unacceptable level of overshadowing of the neighbouring property at 3 Cromwell Road.
- 7b.10 Due to the location of the proposed dwelling, 3 Cromwell Road would not have an unacceptable loss in privacy. The majority of the proposed dwelling faces the gable end of 3 Cromwell Road, and there are no direct window to window situations.
- 7b.11 One additional dwelling would not cause an unacceptable increase in traffic at this location.

- 7b.12 The proposal has been assessed by the Roads Unit, and the driveways are considered acceptable.
- 7b.13 Scottish Water has stated that there are no issues with the services to this site.
- 7b.14 The levels would be used to create suitable garden ground at the property with terraced areas.
- 7b.15 The property would sit forward of the building line on Cromwell Road, which is to the side gable of the proposed dwelling. This, however, matches the streetscape of the area, with the existing dwelling at the opposite side of Cromwell Road also sitting forward of the build line.
- 7b.16 The proposed dwellinghouse is a two and a half storey dwelling, but, this is due to the levels on site. The dwelling would sit at the same level as the current host dwelling, and would be lower than the neighbouring dwelling to the rear.
- 7b.17 Loss of view is not a material planning consideration.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies SC2, SC8 and SC9 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-**

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
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- (6) The new dwellinghouse shall not be occupied until work has been completed to remove the flat roof side extension of the existing dwelling, Windyknowe.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the interests of the users of the highway.
- (4-5) To safeguard the environmental amenity of the area.
- (6) The development would not be acceptable without the removal of the current extension.

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 and 03.

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Director of Development Services

Date: 16 August 2011

LIST OF BACKGROUND PAPERS

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2. The Falkirk Council Local Plan.
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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/11/0112/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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