

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 21 September 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert  
Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

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

**Case Officer:** John Milne (Senior Planning Officer), Ext. 4815

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended) where it was agreed to continue the planning application for a site visit. This visit took place on 9 September 2011.
2. At the site visit, the Committee viewed the site and heard statements of support from the applicant and his agent. The main issues arising on site related to the quality of trees and the impact the proposed dwelling would have on them and the Local Plan designation for this site.
3. The existing trees are not covered by a Tree Preservation Order and could be felled at the owner's discretion. However, if the Planning Committee are minded to approve the proposal, a planning condition regarding replacement planting could be imposed.
4. The issue of the Torwood Village limit was the subject of an objection to the draft Falkirk Council Local Plan considered at Inquiry. However, the issue was not considered in the context of the exclusion of garden ground but in the context of specific sites where objectors sought extension of the limit with a view to including a site proposed for development. Two cases were considered by the Inquiry Reporter: McLaren Park and Greenacres. (This site was not the subject of consideration at the Local Plan Inquiry.) The Reporter recommended the site at McLaren Park be allocated, thereby extending the village limit around that site. This also allowed for the house and garden at Greenacres to be included within the village limit, to be accepted. The Council accepted these recommendations, and the village limit has been extended to encompass these sites/properties. No other locations for village expansion were accepted. No other individual house owners in Torwood made any objection to the village limit in the Falkirk Council Local Plan. As to the issue of drawing the village limit tightly around the village, this has in a few cases excluded some extensive garden ground. This has occurred in other localities too, and is not peculiar to Torwood. The limit is drawn tightly primarily to discourage inappropriate infill or backland development, which is a key tenet of planning policy. This proposal would constitute backland development if developed.

5. Subsequently, no matters were raised that would amend the original recommendation to refuse planning permission.

**6. RECOMMENDATION**

**6.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reasons:-**

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 - Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 - Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location.**
- (2) The proposal is contrary to Falkirk Council Local Plan policies SC3 - Housing Development in the Countryside - in that the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings and would, if approved, result in backland development, all to the detriment of the architectural character of the area.**
- (3) The proposal is contrary to Falkirk Council Local Plan Policy SC8 - Infill Development and Sub-division of Plots - in that the proposed house does not respect the architectural character of the area, in terms of scale and would result in backland development, all of which would constitute an undesirable precedent which could not reasonably be resisted in similar circumstances. In addition, the proposal would likely result in the loss of established landscape features, all to the detriment of the setting of the area.**

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection from Mrs Elaine McGhee, Torwood Tower, Glen Road, Torwood, FK5 4SN on 20 June 2011.
4. Letter of objection from Mr Calum Hoggan, Torvale Cottage, Glen Road, Torwood, FK5 4SN on 20 June 2011.
5. Letter of objection from Gordon and Isabel Lawton, Hollings Cottage, Glen Road, Torwood, Larbert on 23 June 2011.
6. Letter of objection from Mrs Joanna Stevenson, Yew Bank, Central Park Avenue, Larbert, FK5 4GR on 6 July 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

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**Meeting:** PLANNING COMMITTEE  
**Date:** 24 August 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert  
 Councillor Billy Buchanan  
 Councillor Tom Coleman  
 Councillor Linda Gow

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

**Case Officer:** John Milne (Senior Planning Officer), Ext. 4815

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

- 1.1 This application relates to the erection of a dwellinghouse within the rear garden area of an existing detached dwellinghouse. The proposed single storey dwellinghouse would measure some 30 metres long, 10 metres in width and have an off-shoot measuring some 15 metres by 5 metres. A detached garage of 6.6 metres by 6.6 metres is also proposed. The proposed dwelling would have 3 bedrooms, games room, kitchen, principal lounge and family dining area. A covered terrace would also partially extend along the exterior.
- 1.2 The dwelling is proposed within the rear garden area of Glen House, Glen Road, Torwood but is also to the rear of Torwood Tower and Towood Cottage, Torwood.

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

- 2.1 The application has been called to Committee by Councillor Buchanan.

## **3. SITE HISTORY**

- 3.1 Planning application 05/1069/OUT – erection of dwellinghouse – refused 18 October 2006. This site included part of the site which is the subject of the current application.
- 3.2 Planning application 05/1068/OUT – erection of dwellinghouse – refused 11 October 2006. This site included part of the site which is the subject of the current application.
- 3.3 F/2004/0015 – development of land for housing purposes (outline) - granted 22 April 2005. This covered part of the site which is the subject of the current application. Subsequent applications for the erection of 2 dwellinghouses (F/2005/0099 and F/2005/0100) received approval of reserved matter on 19 April 2005. These dwellinghouses (Torwood Tower and Torwood Cottage) have been constructed and front onto Glen Road with the site of this application to the rear.

#### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objections, but does not guarantee a connection to Scottish Water's infrastructure.
- 4.2 Falkirk Council's Roads Development Unit have no objections, but request that if permission is granted, planning conditions are imposed regarding access width, gate openings and in-curtilage car parking spaces.
- 4.3 Falkirk Council's Environmental Protection Unit have no objections, but request that if the proposal is granted, planning conditions are imposed regarding contaminated land.

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

- 5.1 No comments have been received.

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

- 6.1 4 letters of objection have been received, commenting:-

- Additional noise would be created by the construction of the proposed house.
- Adverse loss of established woodland, which has been part of the rural environment for a great number of years.
- The loss of wildlife on the site.
- The view of existing residents would be hindered.
- Access to the site is extremely restricted, for both construction vehicles and potential residents.
- The application, if approved, would set a precedent for similar proposals.
- The site is totally unsuitable for a house to be crammed in, behind 4 existing properties.
- The proposal is backfill development.
- Loss of privacy to existing properties.
- Existing trees between the new development and the proposed should be retained.
- Torwood Community Woodland Group Ltd object to the planning application on the grounds that it would necessitate clearance and felling of trees in the village of Torwood. There has been substantial degradation around the edges of the village in recent years with the loss of natural woodland and habitat. As a woodland group it is their goal to protect what remains of the woodland and green space around Torwood for the benefit of residents and wildlife. The group believes there is no justification for further destruction of the countryside as there are many houses in the village currently on the market and further housing development in the pipeline. This building would further push out the boundaries of the village into green space.

## 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 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The application site lays outwith the urban envelope of Torwood and, as such, could be designated as countryside. Consequently, the applicant has failed to demonstrate that a new dwellinghouse within this countryside location is essentially required or is an appropriate form of agricultural diversification.

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

7a.3 Policy EQ19 - ‘Countryside’ states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
  - *they constitute appropriate infill development; or*
  - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
  - *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
  - *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.4 The urban and village limits represent the desirable limit to the expansion of settlements and the application site is clearly outwith the Torwood village envelope. Consequently, the site can be

classified as countryside and the proposal has no supporting information which would lead to the conclusion that the dwellinghouse requires a countryside location, constitutes appropriate infill development or will utilise suitable existing buildings.

7a.5 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

*"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.6 The submitted proposal would involve the removal of at least 17 stems of Sycamore and a mature beach tree, plus the loss of a line of small conifers/broadleaves at the entrance area. Although the Sycamore stems and conifers have a low amenity value compared to other mature native species, their loss would nevertheless contribute to the overall loss of broadleaf tree cover of the locality and would contribute to opening up of views of the proposed dwelling and other dwellings from open country and the A9 to the north east. Any tree removal may be evident from the north east due to the elevated location of the site relative to the land to the north east. The proximity of the north western end of the proposed house to the tree proposed for retention appears very close and may barely leave a sufficient root protection area and allow space for house construction (this is difficult to determine due to the level of detail provided). Trees at this proximity to the house may suffer construction damage and in addition future occupants would be likely to experience perceived problems with shading, leaf and branch fall. The cumulative effect would be that extent of tree loss and removal would, in fact, be greater than shown on the submitted plans. It is therefore considered that the submitted proposal would not be acceptable on landscape and visual grounds.

7a.7 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*

- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - *The restored or converted building is of comparable scale and character to the original building*
  - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7a.8 In this instance, the proposal could not be considered to accord with the terms of the above policy, not least given the lack of essential justification. In addition, the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings, as the proposal would result in backland development (development of land behind the rear building line of existing housing or other developments, and is usually land that is formally used as gardens, or is partially enclosed by gardens, and where access to the development adjoins a public highway).

7a.9 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

*“Proposals for the erection of additional dwellings 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.10 In this instance, the scale of the proposed house does not respect the architectural character of the area, will result in the loss of vegetation to an extent of adversely affecting the area and does not comply with other local plan policies.

7a.11 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The issues to be considered are the points raised by objectors and comments received through consultation.

### ***Points Raised by Objectors***

7b.2 In consideration of the points raised:-

- It is agreed that the development of the site would constitute an unacceptable form of backland development and is, therefore, unsuitable for further housing development.
- It is agreed that there would be substantial impact on existing woodland.
- It is agreed that vehicular access to the site is restricted, but not incapable of being utilised for construction purposes.
- Noise from construction may be subject to monitoring by the in Environmental Protection Unit.
- Loss of view to existing residents is not a material planning consideration.
- It is agreed that, if approved, the proposal may constitute an undesirable precedent which would make other such proposals difficult to resist.

### ***Points Raised Through Consultation***

7b.3 Matters raised through consultation may be adequately addressed through planning conditions, should the proposal be approved.

### **7c Conclusion**

7c.1 It is recognised that part of the applicant's garden ground lies outwith the village envelope as defined in the Falkirk Council Local Plan and, as such, the proposal offends policy with regard to new development in the countryside. However, in addition, the scale of the new development, combined with the positioning of the dwelling behind existing dwellings, offend policy relating to the appropriate setting of new development. These elements, combined with concerns regarding the loss of existing landscaping and the detrimental influence such an unwarranted precedent would have on future applications of this type, would substantiate the recommendation to refuse the application.

## **8. RECOMMENDATION**

8.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reasons:-

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 – Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 – Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location.
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proposal would likely result in the loss of established landscape features, all to the detriment of the setting of the area.

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**Director of Development Services**

**Date:** 16 August 2011

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection from Mrs Elaine McGhee, Torwood Tower Glen Road Torwood FK5 4SN on 20 June 2011
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan P/11/0347/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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