

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE AT 77 PARK ROAD,  
FALKIRK, FK2 7PU FOR MR & MRS MCPHEE - P/11/0473/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 2 November 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:** Langlees, Bainsford and New Carron

**Case Officer:** Katherine Chorley (Assistant Planning Officer), Ext. 4704

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on 3 October 2011.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the report.
3. Members sought clarification on the siting of the extension relative to its location adjacent to the boundary and depth into the rear garden. This was approximately marked out by officers. Members also sought clarification on the details of the Supplementary Planning Guidance Note on House Extensions and Alterations.
4. Objectors made comments reiterating points raised in their letters of comment, particularly in relation to loss of sunlight and proximity of development to neighbouring properties. The officer responded setting out the details in the Supplementary Guidance Note with regard to impact on neighbouring dwellings and stating that on any extension whose side faces onto a neighbouring house immediately opposite, the only window to a habitable room should be no closer than 4 metres. The proposed extension would be 10 metres away from the rear elevation of number 37 Park Road and therefore complies with the guidance.
5. The applicant's representative spoke in support of the application.

6. Following the Committee site visit, a further letter of comment was received from 37 Park Road. The salient issues are summarised below:
- Concerns regarding location of foundations and scaffolding.
  - Concerns regarding construction of brickwork, roof and guttering and maintenance following completion.
  - State that access to land will not be permitted for scaffolding.
7. The issues raised are not material planning considerations and cannot therefore be a consideration in the determination of this application. They are a civil matter to be dealt with outside the planning process.
8. No matters were raised which would amend the original recommendation to grant planning permission.

## **9. RECOMMENDATION**

### **9.1 It is therefore recommended that planning permission be granted 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. Prior to the occupation of the extension, the first floor window in the side elevation of the extension shall be glazed using obscured glass and shall remain so glazed.
3.
  - (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.

**Reason(s):-**

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to prevent an unacceptable degree of overlooking of nearby residential properties.
3. To safeguard the environmental amenity of the area.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.
2. 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 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

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

**Pp**

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**Director of Development Services**

**Date:** 25 October, 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.
4. Letter of objection from Mr and Mrs Simpson, 35 Park Road, Falkirk, FK2 7PT received on 17 August 2011.
5. Letter of objection from Mr and Mrs Anderson, 37 Park Road, Falkirk, FK2 7PT received on 17 August 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Assistant Planning Officer.

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FALKIRK, FK2 7PU, FOR MR & MRS MCPHEE –  
P/11/0473/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:** Langlees, Bainsford and New Carron

**Case Officer:** Katherine Chorley (Assistant Planning Officer), Ext. 4704

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

- 1.1 The applicants seek consent for a two storey side extension to provide an additional bedroom at first floor level and a larger kitchen at ground floor level.
- 1.2 The application site is a detached property located in a recently developed housing estate. It is constructed of facing brick work with brown concrete roofing tiles. There is a small garden to the side and rear and a free-standing garage located across the road.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Provost Pat Reid.

**3. SITE HISTORY**

- 3.1 P/11/0318/FUL - Extension to dwelling house. Withdrawn.

**4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit have raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.

## **5. COMMUNITY COUNCIL**

- 5.1 The Langlees, Bainsford and New Carron Community Council have not commented on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During the course of the application, two letters of objection were received by the Council. The salient issues are summarised below:

- Overshadowing from extension, design concerns, loss of views, privacy and sunshine and drainage concerns.

## **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 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.3 Policy SC9 Part (1) advises that the scale, design and materials should be sympathetic to the existing dwelling and neighbouring properties. It is considered that the location and scale of the extension would not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. In addition to this, it is considered that the proposal would not result in an overdevelopment of the plot. The scale, design and materials of the proposal are considered to be sympathetic to the existing dwelling and surrounding area.

- 7a.4 A condition is proposed to ensure that the first floor window facing 50 Sainford Crescent is obscure glazed and will not result in overlooking of this property. The velux windows on the rear roof slope are located a minimum of 1.8m above floor level and would not therefore increase levels of overlooking. The remaining windows would not overlook neighbouring properties due to the existence of high level fencing around the property.
- 7a.5 The proposed development retains adequate off-street parking facilities and amenity space for a dwelling of this size in accordance with policy SC9.
- 7a.6 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 Note, the consultation response and the public representations.

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

- 7b.2 Falkirk Council's Supplementary Planning Guidance Note (SPGN) on House Extensions and Alterations advises that in more recent areas of detached and semi-detached houses the spaces between buildings help to create the character of the street and should be protected. It adds that 2 storey extensions are only permitted where they do not disturb the street pattern or are 4m from any adjacent gable.
- 7b.3 The proposed extension is set back from the front of the original house, set in from the side of the property and has a reduced ridge height ensuring it appears subservient. While it is not set in from the boundary by the full 1m suggested in the SPGN, this is not considered a justifiable reason for refusal given the significant distance between this property and the adjacent property, number 75. The extension is located more than 4m from the adjacent gable and would not have a detrimental impact on the appearance of the street scene. The materials are proposed to match the original house and as such it complies with the Council's design guidance on house extensions.
- 7b.4 The design guidance also states that extensions should be no closer than 4m where the extension is proposed to be immediately opposite the only window to a habitable room in a neighbouring house. The extension would be located more than 10m away from the neighbouring property, number 37 and significantly further away from number 35 and as such would not have an overbearing impact on these properties or result in overshadowing.

### ***Consultation Responses***

- 7b.5 The Environmental Protection Unit has raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.

### ***Assessment of Public Representations***

- 7b.6 Loss of views is not a material planning consideration and cannot therefore be a consideration in the determination of this application. Drainage issues are also not a material planning consideration in this case and may be dealt with at the Building Standards stage.

7b.7 All other issues raised from consultation are dealt with above.

## **7c Conclusion**

7c.1 It is considered that the proposal is an acceptable form of development and therefore is assessed as according with the Falkirk Council Local Plan and the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations, and no major issues have been raised through consultation. There are no material considerations which would merit refusal of this application in these circumstances.

## **8. RECOMMENDATION**

8.1 It is therefore recommended that planning permission be granted 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. Prior to the occupation of the extension, the first floor window in the side elevation of the extension shall be glazed using obscured glass and shall remain so glazed.
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**Pp**

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**Director of Development Services**

**Date:** 14 September 2011

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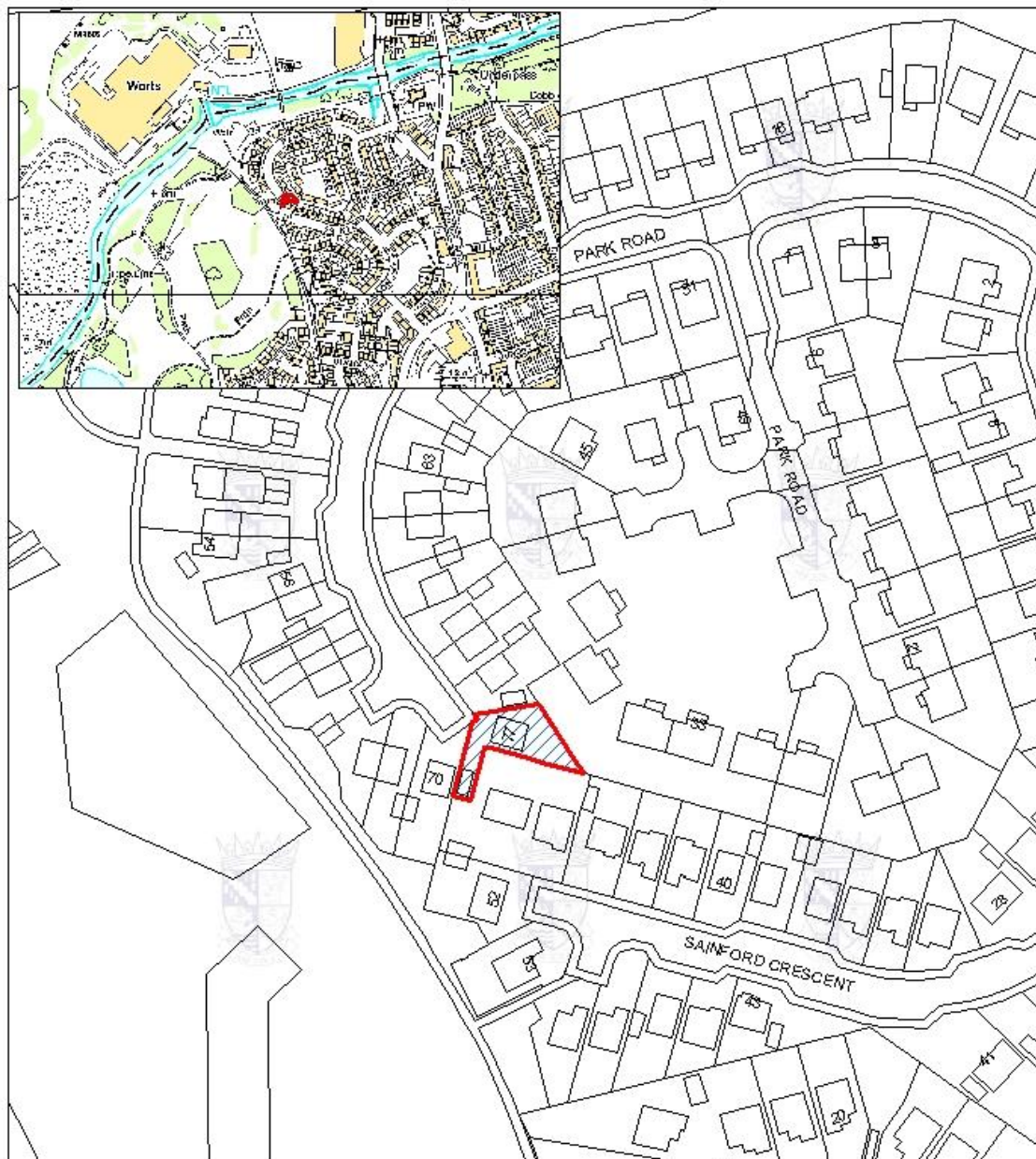


# Planning Committee

## Planning Application Location Plan

**P/11/0473/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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