

AGENDA ITEM 3

FALKIRK COUNCIL

PLANNING COMMITTEE

SITE INSPECTION PROCEDURE FOR PLANNING APPLICATIONS

1. The Convener will introduce the Committee to those present and, will explain that the procedures to be followed will be those already intimated to both the applicant and any objectors/supporters. The Convener will ask all parties who participate to formally identify themselves to the Committee and for the purposes of the record.
2. The Planning Officer will give a factual summary of the proposal.
3. The applicant(s) or agent(s) will be invited to speak in support of the proposal.
4. The objector(s), supporter(s) or agent(s) will be invited to speak to the terms of their representation(s) submitted to the Director of Development Services. Each objector will be permitted to address the committee once.
5. The applicant(s) or agent(s) will have a right to reply to any points raised by the objector(s)/ supporters(s) or agent(s).
6. The Members of the Committee will be invited to question the applicant(s)/agent(s) or the objector(s)/supporters(s)/ agent(s) or to seek guidance on factual or legal matters from the Officers.
7. The Local Member will be invited to speak in relation to the application.

NOTE:

UNDER NO CIRCUMSTANCES WILL APPLICANTS BE ALLOWED TO QUESTION OBJECTORS SUPPORTERS DIRECT OR VICE VERSA. ALL REMARKS MUST BE DIRECTED TO THE CONVENER, WHOSE DECISION ON ANY MATTERS OF ORDER WILL BE FINAL.

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING (RETROSPECTIVE) AT 28 DROVER ROUND, LARBERT, FK5 4TT, FOR FALKIRK COUNCIL - P/15/0713/FUL
Meeting: PLANNING COMMITTEE
Date: 24 February 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext. 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks retrospective planning permission for a single storey outbuilding, which measures some 4 metres in length, 3 metres in width and 3.1 metres in height. The roof tiles match those of the existing dwelling, with the external material naturally stained timber. There is a door located on the north east elevation with no glazing, and obscure glazed patio doors with two full length windows either side on the south west elevation.
- 1.2 The application site is located within the rear garden area of the dwellinghouse located at 28 Drover Round, Larbert. The outbuilding is located in the south east corner of the garden.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to the Planning Committee by Councillor Carleschi.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no comment to make on the application.

5. COMMUNITY COUNCIL

- 5.1 No community Council has commented on this application

6. PUBLIC REPRESENTATION

- 6.1 In the course of this application, 2 contributors submitted 5 letters to the Council objecting to the proposal. The salient objections are summarised below:-

- Date of commencement of works incorrect.
- Inaccuracies on the plans, application should not be valid.
- Overlooking/Privacy concerns.
- The height of the shed appears to have been measured from the lowest point of the shed, rather than the land adjacent to it.
- Request from two neighbouring properties, to carry out a site visit from neighbouring gardens.
- The drawing refers to one set of recycled doors; however the proposal has two sets of doors.
- External lighting provision has been provided and not included in the plans.
- Application gives no reference to where the guttering will drain to.
- Information provided by the applicant is inconsistent i.e. reasons for altering the roof.
- Clarification on the exact measurement from the windows according to SG03 it should conform too.
- Unsympathetic to the character of the surrounding area, does not provide a balanced appearance, nor does it sit comfortably in the wider surroundings.
- Scale of proposal is considered over dominant.
- Garden ground level has been raised previously.
- Overshadowing and loss of light.
- Materials used / proposed are not used normally in the construction of a garden shed, this reflects it is intended for a personal use or home office.
- Overdevelopment the applicant now has 3 outbuildings.
- Excess water in neighbouring gardens, following the erection of the proposal.
- Neighbouring garden shed is similar in size, making it feel “hemmed in” and creates a congested appearance.
- Proposal could be sited elsewhere.
- Intended use is questionable.
- External wiring is an electrocution risk.
- Clarification on what ‘SW doors will be obscured’ means.
- Loss of a view.
- Noise and Disturbance.

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

The Falkirk Local Development Plan was adopted on 16 July 2015. The application was assessed against the following policy or policies:

7a.1 Policy HSG07 - House Extensions and Alterations

“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, unacceptable loss of off-street parking, or road safety issues.*

Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 ‘Residential Extensions and Alterations’.”

7a.2 Whilst the proposal is not an extension or alteration to the existing dwelling it is considered that the criteria identified in Policy HSG07 are relevant. It is noted that due to the proposed outbuilding’s location, it requires planning permission. If it had been placed more than 1 metre from the garden boundary or reduced in height to 2.5 metres, no planning permission would have been required.

7a.3 The scale of the proposal is considered to be similar to a neighbouring garden shed, a typical example of outbuildings commonly found within rear gardens. The design of the outbuilding is in keeping, and is considered to be sympathetic in terms of scale to the original dwelling, with matching roof tiles and acceptable external materials.

7a.4 The location and scale is not considered to be detrimental to the visual amenity of the area nor is it likely to significantly affect neighbouring amenity in terms of daylight and or privacy. The proposed south west doors are obscure glazed and the position of the doors is at right angles to the nearest property. The adjacent property has a living room at an upper level which will (to a degree) overlook the applicant’s property. It is considered that there is no significant loss of privacy especially as planning permission is sought for an outbuilding the use of which would be for purposes incidental to the enjoyment of the dwellinghouse to which it relates. The proposal is not considered to be overdevelopment, there is adequate private garden ground remaining. Parking is provided on site.

7a.6 The proposal is considered to accord with Policy HSG07 of the Falkirk Local Development Plan.

Supplementary Guidance Forming Part of the Development Plan

7a.7 SG03 - Residential Extensions and Alterations

7a.8 Falkirk Council’s Supplementary Guidance (SG03) on Residential Extensions and Alterations advises that garages and outbuildings should not normally be located in the front garden, and should not appear over dominant in relation to the existing surroundings and properties. Outbuildings must be smaller in scale and subservient to the existing dwelling and in terms of materials should complement the existing dwelling. As well as considering the impact on useable garden ground and off street parking.

7a.9 The proposed outbuilding is of an appropriate scale, and is not considered to have an overbearing impact on the surrounding area. The proposal is sited within a corner of the garden and is placed next to a similarly sized garden shed within the adjacent property’s garden.

- 7a.10 The proposed materials are considered acceptable, and there is little impact on the usable garden space. Parking would remain unaltered at the front of the dwelling.
- 7a.11 It is therefore considered that the proposal accords with the guidance as set out in the SG03.

7b Material Considerations

- 7b.1 The material considerations relevant to the application assessment are the representation received.

Assessment of Public Representations

- It is noted that the neighbouring properties advised that works started before the applicant informed the Council.
- Amended plans were received and were provided to both neighbouring properties that had submitted representations.
- The proposed outbuilding is not considered to cause any unacceptable privacy concerns.
- The measurements provided are what is required to make an application valid, the applicant would not be expected to measure from adjacent land or properties outwith his control or ownership.
- The case officer, accompanied by another planning officer, visited both neighbouring properties and met objectors.
- The plan indicates both doors as proposed.
- The detailing of the external lighting is located on the south west elevation.
- Drainage would be located within the garden ground of the property.
- Amended plans were provided, which is not unusual during the processing of an application.
- There are no exact measurements in terms of SG03 for an outbuilding, however it is considered that the building is at right angles to neighbouring dwellings and that there are no concerns in relation to privacy which would justify refusal or amendment.
- The proposal is not considered to be visually detrimental in terms of the surrounding area.
- The scale and location of the outbuilding are not considered to represent overdevelopment or be over dominant.
- It was noted on site that part of the garden ground had been raised by approximately 28cm.
- The proposal is not considered to considerably overshadow neighbouring gardens and loss of light is not considered to be detrimental to the enjoyment of neighbouring garden grounds.
- It is not unusual to have similar materials to the main dwelling to be used on outbuildings, the proposed outbuilding is considered acceptable in terms of design. The proposed outbuilding could be used ancillary to the dwelling, which would include for a home office or sunroom.
- The rear garden is considered to easily accommodate the outbuildings within the garden area. Excess water in neighbouring properties cannot be controlled by this application, this is a private legal matter.
- It is noted that there is a similar scaled outbuilding within the neighbouring garden, however it is not considered that the current proposal creates a detrimental impact on the surrounding area.
- The proposed use is to be an outbuilding within the garden grounds.
- The safety of external wiring is not a planning consideration.
- Clarification was given on the south west elevation having obscure glass.
- Loss of view / right to a view is not a material planning consideration.
- The Environmental Protection Unit have advised that they have no concerns. However, if a noise or disturbance was reported to the Council, this would be investigated under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

7c Conclusion

- 7c.1 The proposed development accords with the Falkirk Local Development Plan and it is considered that there are no material considerations that would warrant refusal of the planning application in this instance.

8. RECOMMENDATION

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

- 1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- 2) Within three months of the date of this permission, details of the colour stain and external materials shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reasons(s):-

- 1) As these drawings and details constitute the approved development.
- 2) To enable the Planning Authority to consider these aspect(s) in more detail and to safeguard the visual amenity of the area.

Informative(s):-

- 1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02B.

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pp Director of Development Services

Date: 15 February 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance – SG03 – Residential Extensions and Alterations.
3. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 14 December 2015.
4. Letter of Objection received from Dr Richard Gibbs, 12 Galbraith crescent, Larbert, FK5 4GZ on 22 December 2015.
5. Letter of Objection received from Jodie Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 15 December 2015.
6. Letter of Representation received from Jodie Gibbs, 12 Galbraith Crescent, Larbert, FK5 4GZ on 8 December 2015.
7. Letter of Objection received from Mr Justin Young, 14 Galbraith Crescent, Larbert, FK5 4GZ on 5 January 2016

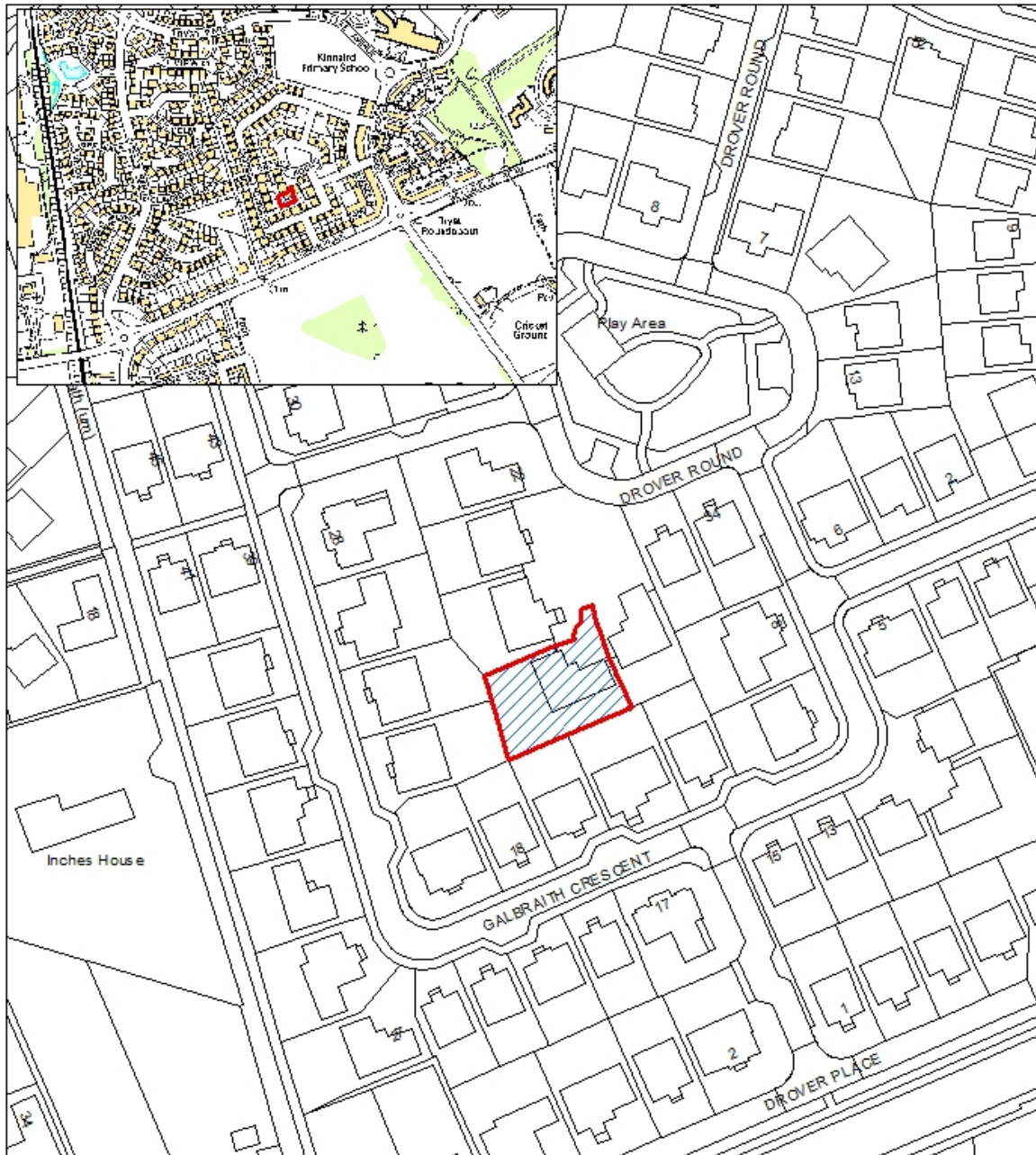
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0713/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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