

FPRB Reference: 21/356

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 8 Green Street, Townhill, Dunfermline, Fife KY12 0HE
- Application for review by Mr Ross Dawkins against the decision by an appointed officer of Fife Council
- Application 21/00377/FULL - Erection of shed (retrospective)
- Application Drawings:
 - 01 Location Plan
 - 02A – Proposed Site Plan, Floor Plan, Elevations and Site Photos

Date of Decision Notice: 14th February, 2022.

Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reason(s) outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 31st January 2022. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Bill Porteous, Mino Manekshaw and Ross Paterson.

2.0 Proposal

- 2.1 The application property is a two-storey building finished in render and with a slated roof. The property is located within Townhill in Dunfermline and is currently sub divided into two flats. The site is located on the corner of Green Street and Crawford Place within a primarily residential area. The neighbouring flat includes a garden shed in their front garden facing Crawford Place. The two properties are enclosed by way of a low timber fence to Crawford Place and Green Street. A garage associated with 13 Crawford Place lies adjacent to part of the site's southern boundary.

2.2 This application seeks retrospective consent for a detached timber summer house located within the property's front curtilage. The summer house replaces a timber pitched roof garage which was in a poor state of repair and had been removed as part of the works. The structure is located on the western side of the garden ground and covers an area of approximately 18 sqm. The summer house measures 3m (h), 3.2m (d) and 6.2m (w) and has a flat roof and is an ancillary building to the main dwelling. A door and window are included to the north facing elevation. The remaining garden ground is decked/paved to the north of the summer house and a grassed lawn area is located to the east of the summer house.

3.0 Reasoning

- 3.1 The determining issues in this review were visual amenity and residential amenity. The FPRB considered the terms of the Development Plan which comprises the SESplan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017) ("Adopted FIFEplan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Scottish Planning Policy ("SPP") and The Fife Council Planning Customer Guidelines on Home Extensions (including garages and conservatories); Daylight and Sunlight; and Garden Ground also formed part of the assessment. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 was also noted.
- 3.2 Firstly, the FPRB assessed the principle of the proposed development. It was determined that as the site was located within a defined settlement boundary, it would accord with the initial requirement of Policy 1 (Development Principles) Part A(1) of the adopted FIFEplan LDP (2017). However, the FPRB considered that the retrospective development proposal would not comply with the remainder of this policy which requires development to accord with other planning policies for the location. Specifically, and as outlined later, the FPRB outlined that the proposed development would not comply with Policy 1 Part C(7) of the adopted FIFEplan LDP which requires development to demonstrate adherence with the six qualities of successful places as set out within the Scottish Government's Creating Places document and SPP. Accordingly, the FPRB determined that the retrospective development proposal failed to comply with Policy 1 (Development Principles) of the adopted FIFEplan LDP with respect to the principle of development.
- 3.3 The FPRB then assessed the design of the retrospective summer house and its implications on visual amenity of the surrounding area. The FPRB therefore considered that the height, massing, architectural style and finishing materials of the retrospective summer house. They considered that the retrospective development proposal results in unreasonable adverse visual amenity impacts to the surrounding area relating to the visual dominance associated with its scale and massing and its prominent siting within the existing garden. The FPRB therefore considered that the retrospective development proposal does not comply with Policy 10 (Amenity) Part 7 – requiring that development avoids any significant detrimental visual impacts on the surrounding area. The FPRB therefore agreed with the Appointed Officer's assessment on this matter and considered that the retrospective development proposal does not comply with either Policy 1 (Development Principles) nor Policy 10 (Amenity) of the Adopted FIFEplan (2017) with respect to this interest.

- 3.4 The appellant also included an indicative drawing to show the FPRB how the proposal could be amended to introduce a setback to Crawford Place and to reduce the overall height of the sunroom - by removing the glass panelling design element from the proposal. Whilst this indicative drawing was noted, this amendment was not considered by the FPRB as it significantly departed from the considered design forming part of the original planning application. The FPRB also considered that the potential inclusion of a condition to alter the retrospective sunroom design would not be appropriate as it would substantially alter the development proposal considered by the Planning Authority. Accordingly, it was determined that should the appellant seek approval for an amended design, a new planning application would be required to be submitted and considered by the Planning Authority at that time.
- 3.5 The FPRB assessed the residential amenity of the proposed development. This included consideration of potential impacts relating to daylight, sunlight, garden ground and on potential overlooking. With respect to any potential loss of daylighting, the FPRB concluded that the retrospective development proposal would not result in any unacceptable loss of daylight to existing windows. They cited that the summer house would not be positioned to unreasonably block daylight to any existing windows within 10 Green Street nor any other habitable room windows protected by this policy. The FPRB concurred with the Appointed Officer assessment that the proposed development would not give rise to adverse loss of daylight concerns for the neighbouring residential properties.
- 3.6 With respect to any potential loss of sunlight to neighbouring outdoor amenity spaces, the FPRB agreed with the Appointed Officer's assessment of this matter given that the height and positioning of the retrospective development proposal would minimise the shadow cast onto neighbouring garden areas. Specifically, the FPRB considered that the relevant shadow cast by the development proposal would largely fall within the appellant's existing garden ground leaving at least 2 hours of sunlight to the garden during the spring/autumn equinox in line with the respective policy requirements. They also noted that 10 Green Street contained an additional area of garden ground to the east of the summer house that would remain largely unaffected by the proposed development with respect sunlight. As such, the FPRB considered that any existing properties would not experience a significantly adverse loss of sunlight and would therefore comply with Policy 10 (Amenity) of the Adopted FIFEplan (2017) and in particular Part 5 - relating to the potential loss of sunlight and daylight. They also determined that this arrangement would comply with Fife Council's Customer Guidelines on Home Extensions and Daylight & Sunlight.
- 3.7 The FPRB also assessed potential privacy impacts associated with the retrospective development proposal, finding that there would be no additional overlooking to existing private amenity areas/gardens. Specifically, that the north facing windows within the retrospective sunroom would face garden areas already overlooked from the street. Additionally, given the siting and restricted viewing angles of new windows within the retrospective sunroom to existing windows, the FPRB considered that there would be no adverse privacy concerns. The FPRB therefore agreed with the Appointed Officer's assessment on this matter and considered that the retrospective development proposal accorded with Policies 1 (Development Principles) and Policy 10 (Amenity) of the Adopted FIFEplan (2017) with respect to privacy.
- 3.8 The FPRB assessed the impact of the retrospective development proposal on the size and usability of the property's remaining garden ground. It was determined that

as the retrospective shed accounted for approximately 18m², it would occupy less than 25% of the existing garden ground area, in line with the recommendations within the planning Customer Guidelines on 'Garden Ground'. It was therefore determined by the FPRB that the application property would retain a sufficiently sized area of garden ground. Accordingly, the retrospective development proposal was considered to comply with Policy (Development Principles) 1 and Policy 10 (Amenity) of the Adopted FIFEplan (2017) with respect to garden ground.

- 3.9 The FPRB assessed the transportation matters including the potential impacts on existing visibility spay requirement and parking. In this regard the FPRB noted that there had been no objection from the Council's Transportation Development Management team. The FPRB determined that the retrospective development proposal would not result in any unacceptable transportation impacts and that existing visibility spays requiring to facilitate movements to/from the adjacent garage to the south would be acceptable.
- 3.10 In conclusion, the FPRB determined that the proposed development would give rise to significant adverse impacts with respect to visual amenity on the surrounding. They asserted that the visual prominence of the retrospective sunroom and its scale would be overbearing and out of character with the surrounding area. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore upheld the Appointed Officer's decision to refuse the application.

4.0 Decision

- 4.1 The FPRB upholds the decision of the Appointed Officer and refuses planning permission for the following reason(s):
- 1) In the interests of safeguarding visual amenity; the garage by virtue of its scale, massing, height and design and its siting adjacent to the boundary of neighbouring curtilages would have an overbearing and adverse impact upon the immediate visual amenity of the surrounding area. The proposal is therefore contrary to Policies 1 and 10 of the adopted FIFEplan (2017) and Fife Council's approved Planning Customer Guidelines on Home Extensions (including garages and conservatories) (2012).

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Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on refusal of planning permission or
on the grant of permission subject to conditions*

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on determination by the planning authority of an
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.