

FPRB Reference: 22/367

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 46 Cameron Park, Thornton, Kirkcaldy, Fife
- Application for review by Mr Paul Carruthers against the decision by an appointed officer of Fife Council
- Application 22/01602/FULL for Full Planning Permission for Extension to domestic outbuilding to rear of dwellinghouse
- Application Drawings:
01 - Location Plan/Block Plan, 02 - Various existing and proposed, 03 - Design and/or Access Statement, 04 - Photographs,
- No Site Inspection took place.

Date of Decision Notice: 5th January, 2023

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 12th December, 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt and Ken Caldwell.

2.0 Proposal

- 2.1 The application property is a semi-detached, two storey dwellinghouse, with an existing detached garage / outbuilding and lock up to the rear. The application site is situated within an established residential area of mixed style properties, with industrial properties to the south of the site.
- 2.2 The proposed development comprises an extension to the existing outbuilding and the addition of ½ storey.
- 2.3 There was a similar planning application for an extension to the outbuilding to rear of dwellinghouse which was refused for the same reason (ref: 20/02808/FULL). Planning permission was granted, subject to conditions for a two storey extension to the dwellinghouse in August 2010 (ref: 10/02117/FULL). This permission has been implemented.

3.0 Reasoning

- 3.1 The main determining issues in this review were design, visual amenity and residential amenity (including sunlight, privacy, daylight and garden ground). The FPRB considered the terms of the Development Plan which comprises SESPlan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (2017) ("Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Scottish Planning Policy (SPP) (2014), Fife Council's Planning Customer Guidelines on Garden Ground (2016), Daylight and Sunlight (2017) and National Planning Framework 4 – Revised Draft.
- 3.2 Firstly, the FPRB then assessed the design and visual amenity of the proposal against Policy 1 (Development Principles) of the Adopted FIFEplan. This included review against potential amenity impacts on the local community (Part B6) and design with respect to the six quality of successful places (Part C). They also assessed the proposed development against Policy 10 (Amenity) including criterion 7 requiring that the visual impact of the proposal on the surrounding area is assessed. They accepted that there would no longer be a view of the proposed development from Cameron Park at the front of property due to an extension to the house. This extension had been built out since the google maps imagery was taken, which the Case Officer had relied upon in the absence of a site visit. Given that this view was no longer available, the FPRB agreed that this changed the assessment with regard to the impact on visual amenity. They considered whether there would be a significant impact on the visual amenity of the neighbouring residential properties. The FPRB concluded that there would be an unacceptable impact with regard to design and the visual amenity of neighbouring residential properties. The FPRB therefore agreed with the Case Officer on this matter and the reason for refusal in this regard.
- 3.3 Secondly, the FPRB considered residential amenity impacts of the proposal on the surrounding area, cognisant of Policy 1 which seeks to protect the amenity of the local community and Policy 10 which includes criteria requiring development proposals to demonstrate that there would be no significant detrimental impact on residential amenity. In particular, they considered garden ground, overshadowing, daylight and sunlight and whether the proposal would result in significant detrimental impacts with regard to these matters.
- 3.4 The FPRB considered the proposal against the garden ground requirements and found that the proposal would result in an acceptable level of garden ground remaining for the existing dwelling.
- 3.5 The FPRB noted that the reason for refusal stated that the proposed development would be to the detriment to the character of the surrounding area. The FPRB considered that this would not be the case.
- 3.6 Overall, the consensus from the FPRB was to agree with the Case Officer's assessment in relation to design and visual amenity and residential amenity albeit, with a change to the assessment to account for the fact that there would no longer be a view and, therefore, would no longer be an impact from the proposed development from Cameron Park at the front of the property. The FPRB concluded that the development would have a significant detrimental impact in terms design and visual amenity. They therefore agreed with the Case Officer and suggested that the proposal failed to comply with the Development Plan. The FPRB agreed with the Case Officer's assessment that the proposal would not comply with Policies 1 and 10 of the Adopted FIFEplan and the corresponding Guidelines. 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 decided that the application should be refused and upheld the Officer's recommendation.

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 visual amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, in that the proposed extended domestic outbuilding in terms of its size, scale, massing and siting, would have an overbearing impact on neighbouring residential properties.

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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.