

FPRB Reference: 21/376

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 14 Mortimer Court, Dalgety Bay, Dunfermline, Fife
- Application for review by Mrs Catherine Chorley against the decision by an appointed officer of Fife Council
- Application 21/02523/FULL for Full Planning Permission for Alterations to existing rear extension including installation of roof lantern
- Application Drawings:
01 - Location Plan, 02 - Floor Plan Existing, 03A - Existing Elevations, 04 - Floor Plan Proposed, 05A - Proposed Elevations, 06A - Proposed Elevations, 07 - Photographs
- No Site Inspection took place.

Date of Decision Notice: 11th May, 2023.

Decision

The FPRB varies 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 24th April, 2023. The Review Body for this Notice of Review was attended by Councillors Jane Ann Liston, Fiona Corps, Lynn Mowatt and Alycia Hayes.

2.0 Proposal

- 2.1 This application relates to a single storey detached dwellinghouse situated at 14 Mortimer Court within the Dalgety Bay settlement boundary. The property, which includes single storey side and rear extensions, is externally finished with a roughcast render, a pitched slated roof and uPVC windows. The development site is located within an established residential area set amongst properties of varying architectural form and scale.
- 2.2 This application seeks retrospective planning permission to raise the roof height of the rear extension. It is proposed to raise the roof height of the existing mono-pitch rear extension by raising the eaves of the rear elevation by approximately 2m to form a flat roof extension, to be rendered to match and including a roof lantern on the newly formed flat roof.

3.0 Reasoning

- 3.1 The determining issues in this review were design and visual impact and residential amenity.
- 3.2 The FPRB considered the terms of the Development Plan which comprises the Adopted National Planning Framework 4 (2023) (“NPF4”) and the Adopted FIFEplan Local Development Plan (2017) (“FIFEplan”). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019), Fife Council’s Planning Customer Guidelines on Home Extensions (including conservatories and garages), Fife Council’s Planning Customer Guidelines on Daylight and Sunlight (2018), Fife Council’s Planning Customer Guidelines on Minimum Distances between Window Openings (2011), Fife Council’s Planning Customer Guidelines on Garden Ground (2016) and BRE ‘s Site Layout Planning for Daylight and Sunlight (2022).
- 3.3 Firstly, the FPRB assessed the design and visual impact of the proposed development within the surrounding context. With respect to NPF4 Polices 14 (Design, Quality and Place) and 16 (Quality Homes), FIFEplan Policies 1 (Development Principles) and Policy 10 (Amenity), the FPRB considered the potential design and impact on the amenity of the local community and surrounding area. They also considered FIFEplan Policy 10 to assess whether there would be any significant detrimental visual amenity impacts on the surrounding streetscape and on adjacent residents. The FPRB initially compared the height, massing, positioning and form of the previous extension (particularly the roof form and wall heights) comparing this to the proposal to understand whether this would impact, firstly, the wider streetscape context and, secondly, adjacent occupiers.
- 3.4 In this regard, the FPRB first considered whether the proposal would be compatible with the existing built form within the surrounding streetscape and residential environment. The FPRB reviewed the proposal from the west, facing the front elevation of 14 Mortimer Court, agreeing that the design, height, positioning and massing would be suitably screened by the existing garage and would result in an acceptable built form when viewed from this location. The same position was agreed when viewed from the south, between 12 and 14 Mortimer Court. The FPRB then assessed the visual impact of the proposal from the east, across the rear garden of 12 Mortimer Court. They determined that the proposal would be consistent and compatible with the varied built form within the immediate area when viewed from this location.
- 3.5 Turning to the second issue, the FPRB assessed the design against potential visual impacts on the adjacent neighbours. There was considerable discussion on this matter to analyse whether the design and, in particular, the increased wall heights and amended roof form, would result in unreasonable visual impacts. This FPRB noted the design rationale for the proposal – which required to remove the existing stairs and provide level access to accommodate the needs of a person with limited mobility. The FPRB accepted this design rationale and the need to increase the existing walls and roof heights to achieve this outcome. They accepted that providing flexible new housing was promoted by policy and considered this in their decision making, balancing this against the potential visual impacts of the proposal on adjacent occupiers, weighing up which matter should be afforded greater weight. To reach a conclusion, the FPRB reviewed the updated height, massing, design and form of the new extension against the previous design. Following deliberation on this matter, the FPRB resolved that the design would result in an overbearing scale, mass and form -

particularly in relation to the increased wall and roof heights along the adjacent boundary. It was agreed that the proposal would therefore result in unreasonable built form when viewed from the neighbouring properties and an unacceptable visual impact to adjacent residential occupiers. The FPRB thus concluded that the proposal would not comply with NPF4 Policy 14 (Design, Quality and Place), NPF4 Policy 16 (Quality Homes) FIFEplan Policies 1 (Development Principles) and Policy 10 (Amenity) with respect solely to design and visual impact on adjacent occupiers. They therefore agreed with the Appointed Officer's assessment subject to amending the reason for refusal to exclude any reference to impacts on the surrounding residential environment given their position on the first matter above. The FPRB also concluded that relevant NPF4 policies should also be included within the reason for refusal given that NPF4 now forms part of the Development Plan since the original decision was issued.

3.6 The FPRB then assessed the residential amenity impacts of the proposal on the surrounding area, cognisant of NPF4 Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes) which seek to protect the amenity of the local area from unacceptable amenity impacts and Policies 1 (Development Principles) and 10 (Amenity) of FIFEPlan which includes criteria requiring development proposals to demonstrate that there would be no significant detrimental impact on residential amenity. Giving consideration to the distance between the site and third-party residential properties, the FPRB determined that the positioning of windows, the removal of a window facing the adjacent property and the distance to the nearest residential dwelling would avoid any unreasonable adverse impacts on privacy. They also reviewed the proposal against daylight requirements, concluding that the proposed design and orientation of the proposal would not result in unacceptable daylight to nearby residential windows. It was also agreed that whilst there would be some minor overshadowing of adjacent gardens, particularly to a nearby patio area, the orientation and siting of the proposal, combined with the fact that the adjacent gardens have generous or secondary areas of unobstructed access to sunlight, the proposal would not result in unacceptable sunlight impacts to adjacent properties. The FPRB also resolved that the proposal would result in a reasonable level of residential amenity for future occupants and would not give rise to any adverse noise concerns. Given that this related to increasing the height of an existing extension, they also considered that there would be sufficient garden ground to accommodate the future needs of residents. The FPRB therefore concluded that the proposal would be acceptable in terms of residential amenity, complying with NPF4 Policies 14 (Design Quality and Place) and 16 (Quality Homes) and Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan with respect to this matter.

3.7 Overall, The FPRB concluded that the development would have an overbearing scale and form resulting in unacceptable visual mass, failing to comply with NPF4 policies 14 (Design, Quality and Place) and 16 (Quality Homes), FIFEplan Policies 1 (Development Principles) and Policy 10 (Amenity). They resolved that the proposal would result in unacceptable visual impacts to adjacent residential occupiers. They therefore agreed with the Appointed Officer and suggested that the proposal failed to comply with the Development Plan. 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 varied the Appointed Officer's recommendation to remove references to any impact on the surrounding residential environment, which was not considered to be detrimentally impacted, and to include references to the recently adopted National Planning Policy 4 which was adopted by the Scottish Government after the Appointed Officer had issued their original decision.

4.0 Decision

4.1 The FPRB varies the decision of the Appointed Officer and refuses planning permission for the following reason(s):

1. In the interests of safeguarding visual amenity; the proposed alterations to the rear extension by virtue of the resultant scale, mass and design would dominate and detract from the appearance of the dwellinghouse from the adjacent properties. The proposal is therefore contrary to Policies 1 and 10 of the FIFEplan (2017), National Planning Framework 4 Policies 14 (Design, Quality & Place) and 16 (Quality Homes) and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories) (2016).

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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.