

FPRB Reference: 22/366

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: 13 Woodlea Grove, Glenrothes, Fife, KY7 4AE
- Application for review by Mr And Mrs Crooks against the decision by an appointed officer of Fife Council
- Application 22/01489/FULL for Full Planning Permission for First floor extension to rear of dwellinghouse
- Application Drawings:  
01A - Location Plan/Block Plan, 02A - Existing various eg elevation, floor etc, 03A - Proposed various - elevation, floor etc,
- No Site Inspection took place.

Date of Decision Notice: 5th January, 2023

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### 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 modern, detached, two storey dwellinghouse, with an existing single storey extension set to the east side of its north-facing rear elevation, set in an established principally residential area of mixed style properties, with a grassed and equipped play park set immediately to the rear/north of the site.
- 2.2 This application is for a first floor extension on top of the aforementioned existing single storey extension to the north-facing rear elevation of the house.
- 2.3 There have been no recent, previous planning applications received for this property.

#### 3.0 Reasoning

- 3.1 The determining issues in this review were design and 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 Minimum Distance between Windows guidance 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. Finally, the FPRB assessed the proposal against Fife Council's Approved Planning Customer Guidelines on Home Extension (including garages and conservatories). As part of this assessment, the FPRB determined that the proposed development would result in detrimental impacts to surrounding area, in particular, the adjacent neighbouring property. They agreed that the visual massing of the proposed proposal would result in unreasonable visual impact to the adjoining neighbour by virtue of its inappropriate scale, size, massing and positioning within the site. The FPRB noted the use of complementary external materials and similar architectural style in addition to the fact that visibility from the nearby public park would not be unreasonable within a wider streetscape context. However, these issues would not overcome the initial fundamental concerns relating to the direct overbearing visual impact of the proposal on the adjacent neighbour. Overall, FPRB concluded that the proposed development would result in unacceptable visual impacts, failing to comply with Policy 1 and 10 of the Adopted FIFEplan with respect to this matter. The FPRB therefore agreed with the Appointed 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.
- 3.4 Given that no east or west-facing side elevation windows were proposed, and that the proposed north-facing window primarily provided views over the applicant's rear garden and the public open space to the north of the site, the FPRB concluded that the proposal would not have any unacceptable overlooking or privacy concerns associated with the proposal.
- 3.5 The FPRB also assessed the proposal against daylight requirements within the Fife Council's Approval Planning Customer Guidelines on Daylight and Sunlight. They agreed with the appointed officer that the proposal would comply with the 45 degree daylight calculation and that the proposed setback of the first floor extension would allow for sufficient daylight to the existing rear facing window of the adjacent property, cognisant of opportunities for south-facing daylight into this through-room from the front elevation.
- 3.6 The FPRB considered the proposal against the garden ground requirements and found that, as the proposal sought approval for an additional storey above an existing ground floor extension, the proposal would comply with the Council's garden ground within Fife Council's Planning Customer Guidelines on Garden Ground (2016). They also determined that as no additional garden ground would be removed to facilitate the proposal, that it would not result in overdevelopment of the site and would maintain an acceptable plot ratio. The FPRB therefore concluded that the proposal would provide sufficient outdoor amenity space for the existing dwellings.

- 3.7 With respect to sunlight, the FPRB assessed the potential impact of the sunlight on the neighbouring garden ground. They recognised that the existing two storey dwellings at approximately 7 metres, with 9-10 metre deep rear gardens, resulted in existing overshadowing to the adjacent property (No. 15). They then noted that, given the above, the centre point of this garden already failed to achieve the minimum of 2 hours' direct sunlight, in accordance with Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight. They outlined that resultant two storey extension would exacerbate an already poor situation, noting further loss of late afternoon/early evening sunlight to the centre point of No. 15's rear garden area, resulting in further detriment to the adjacent residential property. They concluded that exacerbating this existing situation would be unreasonable and that the detrimental impacts to the neighbouring resident would result in an overdominant, overbearing impact on the neighbour's residential amenity and detrimentally impacting their reasonable enjoyment of their rear garden, contrary to good design principles and the need to protect local amenity.
- 3.8 Accordingly, overall, the FPRB asserted that the proposed design, orientation and siting of the proposed development and modest distance to adjacent residential property would result in unreasonable adverse impacts on sunlight to the adjacent neighbour's garden to the detriment of their residential amenity. The FPRB therefore concluded that despite complying with daylight and privacy requirements, non-compliance with sunlight requirements would result in unacceptable impacts on the neighbour's residential amenity. The FPRB therefore agreed with the Appointed Officer's assessment that the proposal would not comply with Policies 1 and 10 of the Adopted FIFEplan and the corresponding Guidelines with respect to this reason for refusal.
- 3.9 Overall, The FPRB concluded that the development would have significant detrimental impact in terms visual design and visual amenity and residential amenity impacts. 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 upheld the Appointed 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 and residential amenity; the proposal is 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), in that the proposed extension in terms of its size, scale, form, massing and siting, would have an overdominant and overbearing impact, resulting in an adverse visual and residential amenity impact on the immediate neighbouring residential property to the east of the site.

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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.