

FPRB Reference: 23/389

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 8 Frankfield Road, Dalgety Bay, Dunfermline, Fife
- Application for review by Mr Scott Leitch against the decision by an appointed officer of Fife Council
- Application 23/00044/FULL for Full Planning Permission for Erection of domestic outbuilding (retrospective)
- Application Drawings:
01 - Location Plan, 02 - Photographs, 03 - Photographs, 04 - Proposed Elevations

Date of Decision Notice: 15 December 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 Fife Planning Review Body (FPRB) at its meeting on 11 December 2023. The Review Body was attended by Councillors Robin Lawson (Convener), Jane Ann Liston, Altany Craik and Lynn Mowatt.

2.0 Proposal

- 2.1 The appeal relates to the front curtilage of a detached single storey property located within the Dalgety Bay settlement boundary. The property is externally finished in a roughcast render, timber cladding, concrete roof tiles and uPVC windows and doors. The site is located within an established residential estate set amidst non-traditional properties of varying architectural scale. The surrounding area of this part of Dalgety Bay is characterised by a variety of residential estates, each of which feature its own predominate dwellinghouse design. There are no land constraints or planning restrictions on the site, nor throughout the surrounding residential estate.

2.2 The appeal seeks full planning permission (in retrospect) for the erection of an outbuilding within the front curtilage of the dwellinghouse. The outbuilding would be used for domestic purposes, incidental to the dwellinghouse. The outbuilding is externally finished with horizontal timber boards and a pitched roof finished in shed felt material. One set of french doors and two windows on the east elevation of the outbuilding are finished in white uPVC. The outbuilding measures approximate 2.5m in height, with a footprint of approximately 13.3sqm. Mature hedge plants have been planted along the southern and western boundary of the appeal site.

3.0 Reasoning

3.1 Firstly, the FPRB assessed the design and visual amenity of the proposal on the surrounding character of the area against NPF4 Policies 14 (Design, Quality and Place) and 16 (Quality Homes) and FIFEplan Policies 1 (Development Principles) and 10 (Amenity):

- Because of its height and floor area, the outbuilding dominates the front curtilage of the property and, if allowed to remain, the FPRB considered that it would have an adverse effect on the visual character of the streetscape which is largely characterised by its open plan nature.
- It was accepted by the FPRB that the hedge plants (which have continued to mature since the planning application was submitted) did provide some visual screening of the outbuilding, however, this screening was ultimately not considered to be sufficient nor a sufficient rationale to accept the outbuilding within the front setback.
- Noting the potential to paint the outbuilding to further screen the proposal, the FPRB considered that this would not sufficiently address the visual impact of the development.
- The FPRB ultimately concluded that the proposal would not comply with Policies 14 and 16 of NPF4 and Policies 1 and 10 of FIFEplan relating to design and visual impact.

3.2 The FPRB also agreed with the Appointed Officer's position in relation to the other planning considerations not forming part of the original reasons for refusal. They contended that these matters did not have any material impact that would change their position on this application and concluded that they should not be included as additional reasons for refusal in this instance.

3.3 Overall, the FPRB concluded that the proposal would result in unacceptable design and visual amenity impacts, failing to comply with NPF4 Policy 14 and 16 and Policies 1 and 10 of the Adopted FIFEplan (2017). 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 planning permission should be refused, upholding the Appointed Officer's decision.

4.0 Decision

4.1 The FPRB upholds the determination reviewed by them and refuses Planning Permission for the following reason(s):

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the visual amenity of the street scene; The domestic outbuilding by virtue of its large scale, design and massing situated in a prominent location forward of the front building line of the dwellinghouse and neighbouring properties would result in an incongruous development that would have an adverse impact on the character and appearance of the surrounding area contrary to Policies 14 and 16 of NPF4 and Policies 1 and 10 of the FIFEplan 2017.

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Proper Officer

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

**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.