

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land Adjacent to 48 Meadowside Road, Cupar, Fife
- Application for review by Balmeadowside Ltd against the decision by an appointed officer of Fife Council
- Application 21/01559/FULL for Full Planning Permission for Erection of dwellinghouse and formation of associated access and parking
- Application Drawings:
01 - Location Plan, 02 - Proposed various - elevation, floor etc, 03 - Details, 04 - Details, 05 - Low Carbon Sustainability Checklist, 06 - Photographs, 07 - Photographs
- No Site Inspection took place.

Date of Decision Notice: 10th November, 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 24th October 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Fiona Corps and Derek Noble.

2.0 Proposal

- 2.1 The application relates to an area of open space measuring 136sqm located on a corner of Meadowside Road within the Cupar settlement boundary. The site, which serves a landscaping function, is covered in heavy shrubbery. The site rises sharply from east to west. The surrounding area is a mix of modern residential properties of varying sizes. The overall style and finishing and materials of neighbouring properties are consistent across the numerous developments which make up the residential estate. Meadowside Road is a large residential cul-de-sac, with vehicular access via St Michaels Drive. There are no notable land constraints covering the site and surrounding residential estate, with the application site not recorded within FIFEplan as an area of protected open space or as forming part of a green network asset.

2.2 Detailed planning permission is sought for the erection of a 3-bedroom dwellinghouse. The dwelling would be cut into the slope of the land, appearing as a two-storey on the south elevation, rising to three-storeys on the north elevation (with integral garage forming the ground floor). The proposed dwelling would occupy approximately 85sqm of the 136sqm plot. The integral garage would be large enough to accommodate one car. A short driveway is also proposed. The sloping nature of the site would remain apparent, with shrubbery planting proposed along either side of the dwellinghouse. The proposed finishing material would comprise of white dash rendered walls, buff stone detailing, brown uPVC windows and doors, and brown pan-style roof tiles. The proposed finishing materials would be largely consistent with the neighbouring residential properties. Solar panels and an air source heat pump are proposed to meet low carbon targets.

3.0 Reasoning

3.1 The determining issues in this review were the principle of development, design and visual impact, residential amenity (including privacy, sunlight, daylight and garden ground), road safety and low carbon sustainability. The FPRB considered the terms of the Development Plan which comprises the TAYplan (2017) (“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) and Fife Council’s Planning Customer Guidelines on Garden Ground (2016), Daylight and Sunlight (2017) and Minimum Distance between Windows guidance.

3.2 Firstly, the FPRB considered whether the principle of development was acceptable, assessing the proposal against FIFEplan Policy 1 (Development Principles). The FPRB considered that the proposed development would be accord with the Part A(1) of Policy 1 given that the site is located within the defined settlement boundary. The FPRB also assessed the proposal against the Policy 1 Part B tests and resolved that the proposal would not comply with Part B 6 seeking to protect the amenity of the local community. This is discussed in more detail under the visual amenity assessment below.

3.3 The FPRB therefore concluded that the proposal would not fully comply with Policy 1 (including Part B) of the Adopted FIFEplan, upholding the Appointed Officer’s assessment with respect to this reason for refusal.

3.4 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 B), safeguarding landscape character/qualities 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. As part of this assessment, the FPRB determined that the proposed development would result in detrimental impacts to surrounding area, concluding that it would result in an unreasonable visual impact by virtue of its inappropriate scale, massing and positioning within the streetscape. Despite this, the FPRB considered that the proposed external materials and architectural style would be appropriate. However, it was agreed that this would not outweigh the aforementioned concerns. 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, however, requested that reference to architectural style was removed from the corresponding reason for refusal.

- 3.5 The FPRB then assessed the 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. The FPRB determined that the proposed design, orientation and positioning of windows and the distance to nearby residential dwellings meant that the proposal would not have an adverse impact on the daylight, sunlight or privacy provisions of neighbouring properties. The FPRB considered that the proposal would not give rise to any adverse noise concerns. The FPRB concluded therefore that the proposal would be acceptable in terms of residential amenity, complying with Policies 1 and 10 of the Adopted FIFEplan relating to potential impacts to nearby properties but not on the amenity of future residents themselves (please refer below).
- 3.6 The FPRB considered the garden ground proposals for each of the proposed. Assessing the plot ratio and amount of useable garden ground for the dwelling, the FPRB concluded that the proposed garden ground would not be acceptable and would not be in-keeping with Fife Council's Planning Customer Guidelines on Garden Ground (2016). They determined that the garden ground, at approximately 51m² for both the proposed amenity space (including side garden) and parking space, would be unreasonable and would result insufficient usable amenity space for future residents. The FPRB also resolved that the modest plot ratio (approximately 1.6:1) would be unreasonable and sufficiently lower than the 3:1 ratio expected. The FPRB therefore concluded that the proposal would not provide sufficient outdoor amenity space nor a sufficiently large plot ratio within the existing street context. They therefore agreed with the Appointed Officer's assessment that the proposal would not comply with Policies 1 and 10 of the Adopted FIFEplan with respect to this reason for refusal.
- 3.7 The FPRB assessed the transportation and road safety impacts of the proposal. The FPRB took into consideration the comments provided by the Council's Transportation Development Management Officers who objected to the application on the grounds of insufficient visibility splays being provided and not complying with the minimum car parking dimensional requirements development. The FPRB agreed with this position and did not support the proposed car parking arrangements. They agreed that the potential overhang of any future car could result in detrimental impacts to pedestrian which would not be acceptable. They also agreed that the reduced visibility splays would be a concern. Therefore, the FPRB concluded that the proposal would result in unacceptable road and pedestrian safety and visibility concerns and would fail to comply with Policies 1, 3 and 10 of the Adopted FIFEplan, Making Fife's Places Supplementary Guidance and Fife Council's Transport Development Guidelines with respect to this matter. They therefore agreed with the Appointed Officer's position on this, however, agreed to correct a typographical error relating to the naming of the visibility splay directions within the first reason for refusal.
- 3.8 The FPRB considered whether the proposal supported the transition to a low carbon economy. Assessing the location of the development; and whether it was accessible by sustainable modes of transport; and the low/zero carbon technologies to be incorporated proposed to be incorporated, the FPRB considered that the proposal would be acceptable. The FPRB concluded that the proposal would be acceptable in terms of carbon reduction and sustainability, complying with Policies 1 and 11 of the Adopted FIFEplan with respect to this matter

3.9 Overall, The FPRB concluded that the development would have significant detrimental impact in terms of road and pedestrian safety, insufficient outdoor amenity space for future residents and detrimental visual 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):

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road and pedestrian safety; the proposal does not comply with Policies 1 and 10 of the Adopted FIFEplan (2017) as it would not meet the requirements laid down by Fife Council's Transportation Development Guidelines in that off-street parking cannot be provided due to the restrictive size of the development site. A distance of 6m is required behind the heel of the public footway to allow a vehicle to sit completely clear of the public footway. With this space being unavailable, this would only cause increased on street parking which would be detrimental to road and pedestrian safety. Visibility Splays of at least 2m x 25m are required in directions, to the East and West at the access from the site onto the adjacent public road. Visibility would be unacceptably obstructed for vehicles leaving the proposed access onto the public road by permanent features which are outwith the applicant's control. Splay goes over the neighbouring land to the west and will be blocked by the proposed dwelling to the east. This would be detrimental to the safety and convenience of all road users. Finally, the position of the proposed dwelling will reduce the visibility splay currently enjoyed by motorist encountering the T-Junction when travelling North and then turning East along Meadowside Road.
2. The proposal is contrary to Policies 1 and 10 of the FIFEplan (2017) Local Development Plan and the associated Fife Council Customer Guidelines on Garden Ground. The proposed dwellinghouse would have a detrimental impact on the visual amenity of the surrounding area and result in overdevelopment of the plot. Further to that the proposal would not meet the minimum standards expected for the provision of usable outdoor amenity space for a development of this type and scale.
3. In the interests of visual amenity; the proposed development, by virtue of its massing would appear incongruous in relation to the already approved adjacent dwellinghouses, harming the character and appearance of the streetscenes within which it would be viewed, having a significant detrimental effect on the visual amenity of the area, contrary to Policies 1 and 10 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

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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.