

Fife Planning Review Body

Due to Scottish Government guidance relating to Covid-19, this meeting will be held remotely



Monday, 31st January, 2022 - 2.00 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of meeting of Fife Planning Review Body of 22nd November, 2021. 5 - 6
4. **APPLICATION FOR REVIEW - 8 GREEN STREET, TOWNHILL, DUNFERMLINE (APPLICATION NO. 21/00377/FULL)** – Erection of shed (retrospective).
 1. Notice of Review 7 – 18
 2. Decision Notice and Report of Handling 19 – 28
 3. Consultee Comments 29 – 30
5. **APPLICATION FOR REVIEW - 60 SEAFAR DRIVE, KELTY (APPLICATION NO. 21/00376/FULL)** – Change of use from treebelt/vegetation to private garden ground and erection of fencing to side of dwellinghouse (part retrospect).
 1. Notice of Review 31 – 51
 2. Decision Notice and Report of Handling 52 – 62
 3. Representations 63 - 65

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

24th January, 2022.

If telephoning, please ask for:
Michelle McDermott, Committee Officer, Fife House
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
- Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY – REMOTE MEETING

22nd November, 2021.

2.00 p.m. – 2.50 p.m.

PRESENT: Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Bill Porteous and Graham Ritchie.

ATTENDING: June Barrie, Manager (Legal Services), Legal and Democratic Services; Bryan Reid and Scott Simpson, Planners, Planning Service; and William Shand, Planning Adviser to the FPRB.

117. DECLARATIONS OF INTEREST

No declarations of interest were made in terms of Standing Order No. 7.1.

118. MINUTE

The minute of the Fife Planning Review Body of 27th September, 2021 was submitted.

Decision

The Review Body approved the minute.

119. APPLICATION FOR REVIEW - 6 PROVOST NIVEN CLOSE, ST. ANDREWS (APPLICATION NO. 21/01281/FULL)

The Review Body considered the Application for Review submitted by Dr. Alistair Dorward, in respect of the decision to refuse planning permission for the conversion of an integral garage to form habitable accommodation (Application No. 21/01281/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be approved subject to conditions (reversing the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

120. APPLICATION FOR REVIEW - 11 FORESTER'S LEA CRESCENT, DUNFERMLINE (APPLICATION NO. 21/00315/FULL)

The Review Body considered the Application for Review submitted by Andrew Allan Architecture Ltd., on behalf of Mr. Peck and Ms. Almond, in respect of the decision to refuse planning permission for a single storey extension with balcony to rear of dwellinghouse (Application No. 21/00315/FULL).

Decision/

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
 - (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.
-

Agenda Item 4(1)

**8 Green Street, Townhill, Dunfermline, KY12 0HE
Application No. 21/00377/FULL**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100361209-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	BTR Alba		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Beatriz	Building Name:	
Last Name: *	Torres	Building Number:	115
Telephone Number: *	07554844558	Address 1 (Street): *	Katrine Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkcaldy
Fax Number:		Country: *	Scotland
		Postcode: *	KY2 6RR
Email Address: *	beatriz.torres@btrarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ross"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text" value="Dawkins"/>	Address 1 (Street): *	<input type="text" value="Green Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Townhill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY12 0HE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="8 GREEN STREET"/>
Address 2:	<input type="text" value="TOWNHILL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNFERMLINE"/>
Post Code:	<input type="text" value="KY12 0HE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="689502"/>	Easting	<input type="text" value="310447"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Garage replacement (retrospective)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The proposed shed is similar to the pre-existing garage in size and position and, as it is set back from the front boundary, so it is not blocking the visual of the neighbour's access to the road. During the Planning Application process there was not a site visit; the applicant would like to have one as it seems there are some circumstances that were not considered at the time of the decision.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refused note Proposed plan

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00377/FULL

What date was the application submitted to the planning authority? *

05/02/2021

What date was the decision issued by the planning authority? *

06/09/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Inspection of the land subject of the appeal, including a conversation with the applicant on site, as there are points to consider

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Beatriz Torres

Declaration Date: 17/11/2021

BTR Alba
Beatriz Torres
115 Katrine Crescent
Kirkcaldy
Scotland
KY2 6RR

Planning Services

Martin Mackay
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/00377/FULL

Date 19th August 2021

Dear Sir/Madam

Application No: 21/00377/FULL
Proposal: Erection of shed (retrospective)
Address: 8 Green Street Townhill Dunfermline Fife KY12 0HE

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Martin Mackay, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 21/00377/FULL
Proposal: Erection of shed (retrospective)
Address: 8 Green Street Townhill Dunfermline Fife KY12 0HE

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/00377/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding visual amenity; the garage by virtue of its scale, massing, height and design and its siting adjacent to the boundary of neighbouring curtilages would have an overbearing and adverse impact upon the immediate visual amenity of the surrounding area. The proposal is therefore contrary to Policies 1 and 10 of the FIFEplan 2017 and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories) (2012).

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02A	Proposed various - elevation, floor etc

Dated: 19th August 2021

Declan Semple

For Head of Planning Services
 Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fifedirect.org.uk/planning. Completed forms should be sent to:

Fife Council, Committee Services, Corporate Services Directorate

Fife House

North Street

Glenrothes, Fife

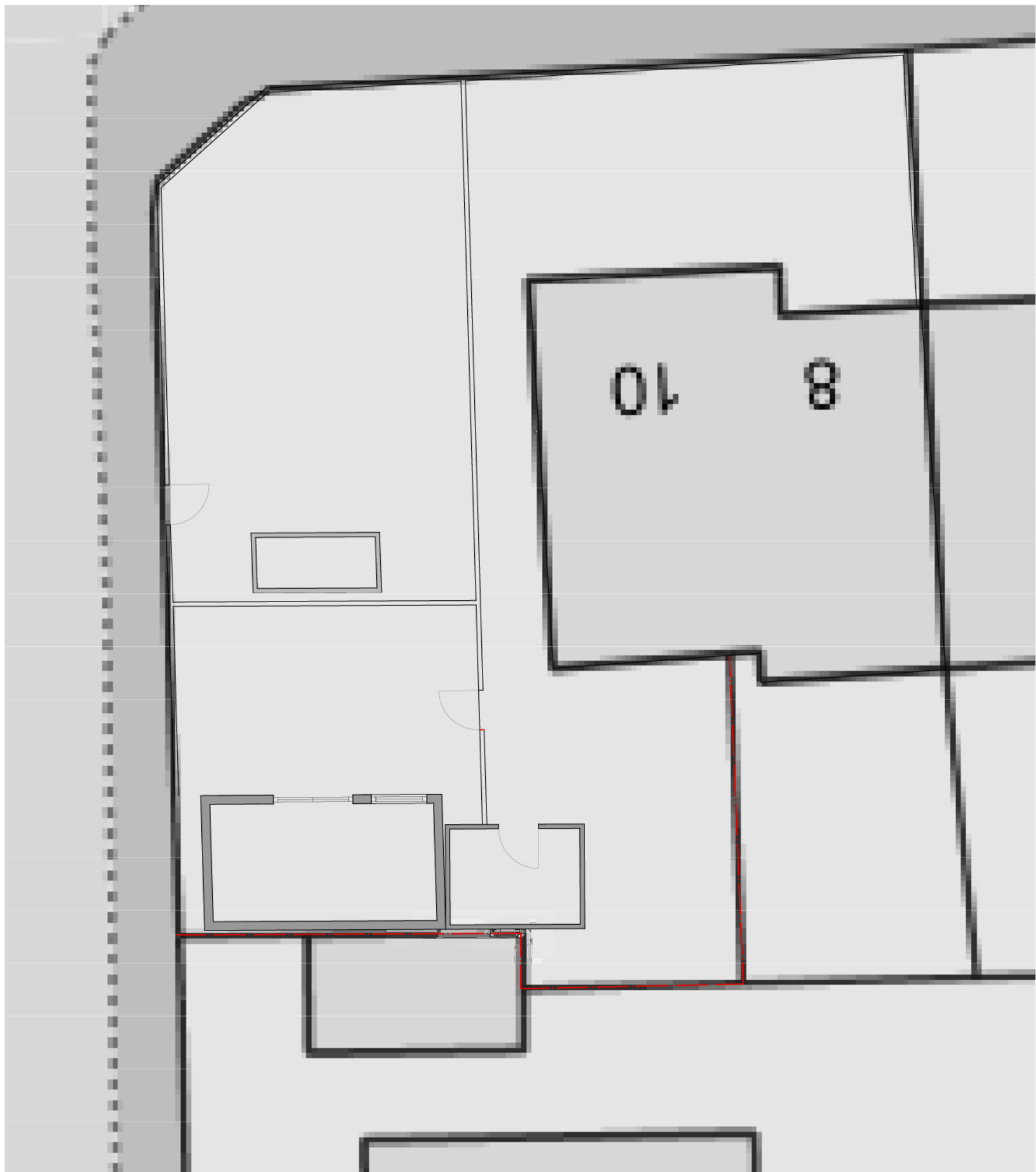
KY7 5LT

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

EXISTING PLAN



The application site is a traditional building with 2 storeys within a residential area in Townhill.

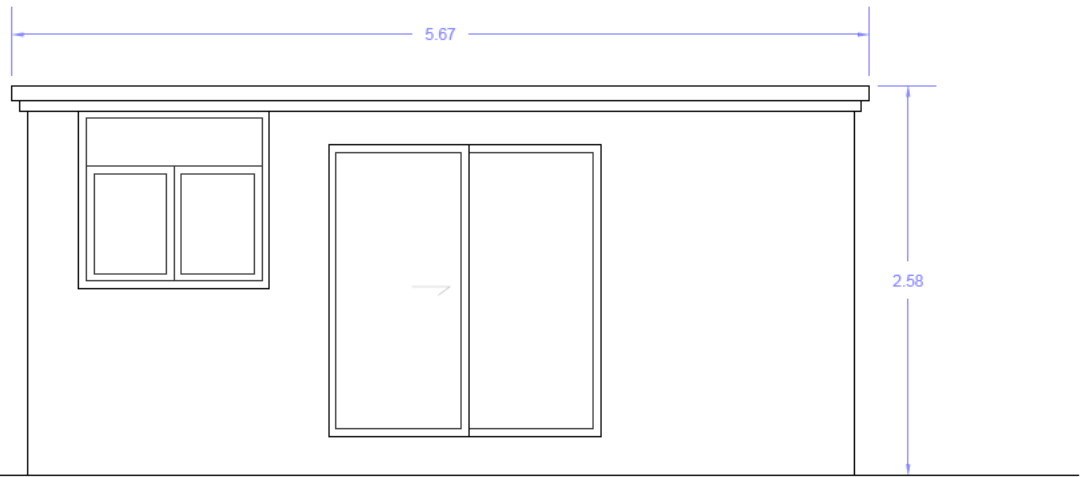
There was a wooden garage originally on the same place of the existing shed. This garage had to be removed as per the terrible condition it was, even compromising the structural integrity of it.

In that same location, it has been built a timber structure, now as a shed. This garage was originally within the visual line to the street from No13 garage and the existing shed still leaves the user of the garage see if a car is coming before getting into the road as per the shape of the street itself, being not perfectly perpendicular to the garage wall and having a slope as shown on the side elevation.

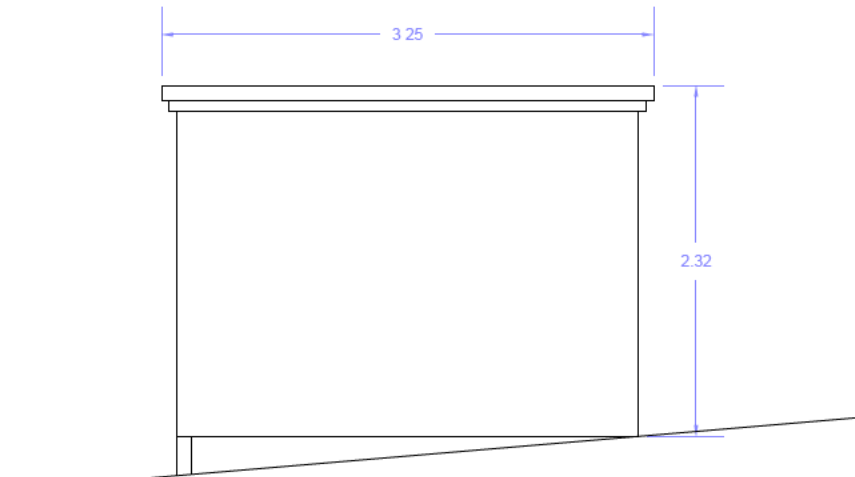
PRE-EXISTING PLAN



pre-existing garage images



front elevation (garden view)



side elevation (street view)

PROJECT
GARAGE REPLACEMENT TO A SHED (APPEAL)
LOCATION
8 GREEN STREET
TOWNHILL KY12 0HE

CLIENT
MR ROSS DAWKINS

DATE
28.10.2021

DRAWING NAME
PP1 PROPOSED PLAN - APPEAL

DRAWING NUMBER
2021.002001/PP1.AP

SCALE
1:100

0 1 2 3 4 metres
scale 1:100@A2

PRE-EXISTING PLANS SCALE
1:200

0 2 4 6 8 metres
scale 1:200@A2

NOTES

All dimensions in metres unless otherwise stated.
All dimensions to be checked on-site by the contractor before commencing work.
The copyright of this drawing remains with the author and may not be reproduced in any form without prior written consent.

Proposal Details

Proposal Name	100361209
Proposal Description	Garage replacement to a shed (retrospective)
Address	8 GREEN STREET, TOWNHILL, DUNFERMLINE, KY12 0HE
Local Authority	Fife Council
Application Online Reference	100361209-004

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Refusal letter	Attached	A4
AP1 proposed plan	Attached	A2
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Agenda Item 4(2)

**8 Green Street, Townhill, Dunfermline, KY12 0HE
Application No. 21/00377/FULL**

Planning Decision Notice

Report of Handling

BTR Alba
Beatriz Torres
115 Katrine Crescent
Kirkcaldy
Scotland
KY2 6RR

Planning Services

Martin Mackay
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/00377/FULL

Date 19th August 2021

Dear Sir/Madam

Application No: 21/00377/FULL
Proposal: Erection of shed (retrospective)
Address: 8 Green Street Townhill Dunfermline Fife KY12 0HE

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Martin Mackay, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 21/00377/FULL
Proposal: Erection of shed (retrospective)
Address: 8 Green Street Townhill Dunfermline Fife KY12 0HE

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/00377/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding visual amenity; the garage by virtue of its scale, massing, height and design and its siting adjacent to the boundary of neighbouring curtilages would have an overbearing and adverse impact upon the immediate visual amenity of the surrounding area. The proposal is therefore contrary to Policies 1 and 10 of the FIFEplan 2017 and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories) (2012).

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02A	Proposed various - elevation, floor etc

Dated: 19th August 2021

Declan Semple

For Head of Planning Services
 Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fifedirect.org.uk/planning. Completed forms should be sent to:

Fife Council, Committee Services, Corporate Services Directorate

Fife House

North Street

Glenrothes, Fife

KY7 5LT

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

APPLICATION DETAILS

ADDRESS	8 Green Street, Townhill, Dunfermline		
PROPOSAL	Erection of shed (retrospective)		
DATE VALID	05/02/2021	PUBLICITY EXPIRY DATE	19/03/2021
CASE OFFICER	Martin Mackay	SITE VISIT	None
WARD	Dunfermline North	REPORT DATE	18/08/2021

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.0 BACKGROUND

1.1 The application property is a two-storey building finished in render and with a slated roof. The property is located within Townhill in Dunfermline and is currently sub divided into two flats. The site is located on the corner of Green Street and Crawford Place within a primarily residential area. The neighbouring flat includes a garden shed and the properties are enclosed by way of a timber fence.

1.2 This application seeks retrospective consent for a detached timber summer house located within the properties front curtilage. The summer house replaces a timber garage which was in a poor state of repair and has been removed as part of the works. The structure is located to the western side of the garden ground covers a ground area of 18 sqm. The summer house measures 3m (h), 3.2m (d) and 6.2m (w) and has a flat roof and an ancillary building to the main dwelling. A door and window are included to the north facing elevation.

1.3 Site History

29 October 2020 - Planning enforcement investigation into unauthorised work (planning reference: 20/00464/ENF).

8 March 2020 - Planning enforcement investigation into unauthorised work (planning reference: 20/00454/ENF).

1.4 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are:

- Design/Visual Amenity
- Impact on Residential Amenity

2.2 DESIGN/VISUAL AMENITY

2.2.1 Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories) apply.

2.2.2 The proposed summer house would be highly visible from the public realm, on a prominent site. The replacement structure is a larger addition which replaces a modest pitched roofed garage, set back further from the footway. The previous structure was less a less dominant feature within in the streetscene. Although the summer house is within the garden area and is on a similar footprint to the previous garage (albeit closer to the footway), the replacement results in an incongruous addition to the front curtilage of this property with a detrimental impact on the visual amenity of the street.

2.2.3 Whilst the previous garage was within a similar footprint, the replacement garden is substantially higher with a larger mass. This results in a visually obtrusive addition that will have a negative impact on a visual amenity of the street. The structure would be finished in timber and compatible with the character of the previous garden building, however, the footprint, height and mass are unacceptable. These works result in an unacceptable detrimental impact upon the visual amenity of the setting and would introduce an overbearing and out of character structure prominently visible within the streetscape.

2.3 RESIDENTIAL AMENITY

2.3.1 Adopted Local Plan Polices 1 and 10, and Fife Council's Approve Customer Guidelines on Home Extensions (including garages and conservatories apply. Policy 10 places particular importance on potential loss of light to neighbouring properties.

2.3.2 The summer house includes a window to the north facing elevation and given the openness of the neighbouring front gardens there would be no new overlooking issues introduced as these spaces are not considered to be private.

2.3.3 In terms of the position of the summer house in relation to the surrounding properties, there would be no impact upon the daylight enjoyed within the neighbouring property or the sunlight enjoyed within the neighbouring rear amenity spaces. Those amenity spaces would continue to enjoy at least two hours of direct sunlight in accordance with the recommendations

set out in the relevant BRE guidance. In any event the summer house is replacing a garage on a similar footprint.

2.3.4 There is a total of 107 sqm of garden ground available to the property and this modest addition would result in a loss of 18 sqm. This would be well within the 25% threshold as specified by FIFEplan and as such would continue to provide sufficient garden ground for both current and future occupiers.

2.3.4 In light of the above, the proposal is not acceptable in this instance in terms of massing, height and siting; would be incompatible with the surrounding area, would have an adverse impact upon the general amenity of the area and is therefore contrary to the Development Plan and its related guidance.

CONSULTATION RESPONSES

Transportation, Planning Services

TDM have no objections.

REPRESENTATIONS

None

CONCLUSION

The proposal is not acceptable in terms of form, scale, mass and siting; would not be visually compatible with its surrounds and would have an overbearing visual impact upon the adjoining neighbouring properties. As such the proposal is not in compliance with relevant policies of the Development Plan and its associated guidance

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding visual amenity; the garage by virtue of its scale, massing, height and design and its siting adjacent to the boundary of neighbouring curtilages would have an overbearing and adverse impact upon the immediate visual amenity of the surrounding area. The proposal is therefore contrary to Policies 1 and 10 of the FIFEplan 2017 and Fife Council's

Planning Customer Guidelines on Home Extensions (including garages and conservatories) (2012).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

FIFEPlan Local Development Plan (2017)

Fife Council Planning Customer Guidelines on Home Extensions (including garages and conservatories)

Fife Council Planning Customer Guidelines on Daylight and Sunlight

Fife Council Planning Customer Guidelines on Garden Ground

Agenda Item 4(3)

**8 Green Street, Townhill, Dunfermline, KY12 0HE
Application No. 21/00377/FULL**

Consultee Comments

Consultee Comments for Planning Application 21/00377/FULL

Application Summary

Application Number: 21/00377/FULL

Address: 8 Green Street Townhill Dunfermline Fife KY12 0HE

Proposal: Erection of shed (retrospective)

Case Officer: Martin Mackay

Consultee Details

Name: Mr Andy Forrester

Address: Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Email: andy.forrester@fife.gov.uk

On Behalf Of: Transportation, Planning Services

Comments

TDM have no objections.

Agenda Item 5(1)

**60 Seafar Drive, Kelty, KY4 0JX
Application No. 21/00376/FULL**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100515231-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stewart"/>	Building Number:	<input type="text" value="60"/>
Last Name: *	<input type="text" value="MacGregor"/>	Address 1 (Street): *	<input type="text" value="Seafar Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Kelty"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY4 0JX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Case Number Details

Please provide the case number from the planning authority for the original application(s).

Please provide the case number provided by your Planning Authority: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

These documents include my Letter seeking Appeal, letters in support of the application together with images in support of application and in response to the assertions made by the Planning Officer

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. * Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Stewart MacGregor

Declaration Date: 12/12/2021

Mr & Mrs S MacGregor
60 Seafar Drive
Kelty
Fife
KY4 0JX

Planning Appeals Committee
Fife Council
Fife House
North Street
Glenrothes
Fife
KY7 5LT

12 December 2021

Dear Sirs

Planning Appeal relating to Refusal of Change of Use of land at 60 Seafar Drive, Kelty, Fife, KY4 0JX – Application Ref 21/00376/FULL dated 1st October 2021

With regard to the above, we, the applicants wish to formally appeal against the decision made in the above application. We understand that this will, initially be by local Review.

We believe the Planning Officer has misdirected himself and, as a result, a decision has been made that is both unsupported by the stated policies and also inconsistent with previous decisions made in the area.

We would respectfully direct you to two previous decisions made here. Those being: - 13/00868/FULL | Change of use from public open space to private garden ground including the erection of boundary wall | 2 Seafar Drive Kelty Fife KY4 0JX where the then, and current Councillor, Cllr Alexander Campbell submitted a retrospective Planning Application in very similar details. The Main difference in that application being the boundary was a 6ft high solid wall rather than a wooden fence. This Application was unopposed and subsequently granted by Fife Council on 2 July 2013. The Second application we would wish to refer you to is 20/01832/FULL | Change of use from vacant land to private garden ground including erection of fence (in retrospect) | 70 Seafar Drive Kelty Fife KY4 0JX which was again unopposed and subsequently granted by Fife Council on 31st October 2020. I would at this time, draw your attention to the Titles of both applications neither of which mention “treebelt” nor did our application when submitted, the current narration having been added by Fife Council on validation. Other than the area does not form part of a treebelt, the significance of the change was not noted by us at that time. We attach current photographs of both approved development which are either side of this area (the path runs from northeast to southwest passed our property) to demonstrate their proximity to the footpath running adjacent to the sites.

The Planning Officer has advised us that the proposal is “too close” to the footpath. However, the Officer apparently fails to acknowledge that elsewhere on the same path, the boundary fence is not only closer to the path that what was proposed here but is literally on the edge of it. We attach a further picture of the boundary fence located to the southwest of the application site together with other areas where the fence erected is on the edge of the path contrary to what the Planning Officer would appear to find acceptable. Further, the Planning Officer appears to have also had no regard to the actions of Fife Council themselves who, prior to “lockdown” authorised and thereafter funded the Scottish Woodland Trust to plant a row of hedging along the edge of the path, a hedge which we were told when we met with the Scottish Woodland Trust and their volunteers, would grow over the years to be approximately 6ft tall and shield the path. This hedge, although young, is planted out with the boundary line of the fence. Further, we understand that Fife Council are presently dealing with an application for additional housing which will see an extensive development to the other side of the path and includes, from the plans, streetlighting in this area.

The stated reasons for refusal are: -

1. *“The proposed loss of scrubland/tree belt and erection of boundary fencing would have an adverse impact on the visual amenity of the surrounding area and the safe use of the public footpath.....”*
Firstly, as previously stated, there is no “treebelt” in this area. There are some trees, but they are few and far between, the next tree to my property being approximately 50 metres away. In terms of “safe

use” of the path, we are somewhat at a loss as to how this has been determined as there has been no evidence of this presented by the Councils Roads department, nor has there been any evidence presented by the Councils’ Environmental Health, Health & Safety, Planning Department or any other party. The only thing we can assume is that the Planning Officer suspects there will be some shielding of the path from the streetlighting by the fence but, as the Planning Officer did not visit the site at night, we are unable to determine how such a “safety” issue could be raised without any such Reports being presented. For the record, the streetlighting, again circa 50m away, does not illuminate this area now so it is difficult to see how it might be affected by a fence. Unless there is additional evidence that the Planning Officer has not presented, we would argue that this is unfounded and should be discounted in its entirety. We would remind the committee that this is an application in retrospect. The area in question has been fenced in for a period in excess of 5years, the only difference being the previous fence was lower at 1.2m. Irrefutable evidence of its use as such is of course available.

2. *“The proposed change of use would result in the loss of scrubland/tree belt to the detriment of the natural environment.....”* We do not agree that the description of Treebelt is correct or accurate and should be disregarded. The Planning Department have offered no evidence as to why this area should be described as a treebelt when the application at No 70 Seafar Drive, which is only 4 gardens to the southwest, is described as “vacant”. It is identical land. For information, a damaged tree, which was threatening the property, was removed before it fell down, however the proposals include the replanting of trees in its stead at a more suitable location. This means there will be no loss of trees at all. We note that a further application has been made which has yet to be decided: - 21/02132/FULL | Change of use from vacant land to private garden ground (part retrospect) | 76 Seafar Drive Kelty Fife KY4 0JX. Again, we note the use of “vacant” land. It would appear to us that the Officer’s decision to erroneously designate this application as “treebelt” and be different to the others, whether intentionally or otherwise, has had a prejudicial effect to the application. It is difficult to see how the loss of scrubland can be detrimental in this location but not elsewhere on the same path and in the same circumstances. We do not consider that such a reason for refusal stands up to any form of scrutiny. As stated previously, this is an application in retrospect. The area in question has been fenced in for a period in excess of 5years, the only difference being the previous fence was lower at 1.2m.

In summary, we firmly believe that the decision made in this application is entirely inconsistent with previous decisions in the area in the same/similar facts and we therefore would request that the Decision date d1st October 2021 be overturned and the Application granted as sought.

We look forward to hearing you in due course.

Yours faithfully



Mr & Mrs S MacGregor

Mr & Mrs A Kelly
58 Seafar Drive
Kelty
Fife
KY4 0JX

Planning Appeals Committee
Fife Council
Fife House
North Street
Glenrothes
Fife
KY7 5LT

22 November 2021

Dear Sirs

Letter in Support of the Planning Appeal relating to Change of Use of land at 60 Seafar Drive, Kelty, Fife, KY4 0JX – Application Ref 21/00376/FULL

The above Planning Application was made by Mr & Mrs MacGregor, the legal owners of the subjects at 60 Seafar Drive, Kelty, Fife, KY4 0JX and the land to which the application relates.

As will doubtless have been noted, no objections were received by the Director of Planning from any local residents or the Community Council as a majority of the owners/occupiers of the properties in the immediate vicinity of the site, supported the formalisation of what was an established and existing development.

For reasons the rationale of which is known only to themselves, Fife Council Planning Department have seen fit to reject the application made, which we understand is being appealed by the applicants. We therefore hereby wish to register our full support for the Planning Application. We confirm that as an owner occupier in the immediate vicinity of the property we fully support the proposals set out in the Planning Application.

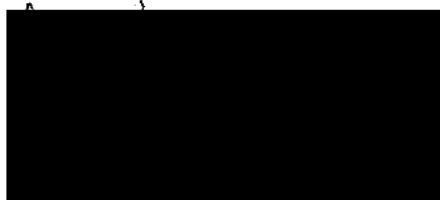
In our view, the development has enhanced the external appearance of the side of the property. Its formalisation, and the completion of the proposed fencing will only serve to enhance the area further.

The works already done and already established, have greatly improved the visual appearance of the side/rear of the property and formalisation of the proposals made will only serve to improve the visual appearance still further. The area was previously an area which was abandoned and extremely overgrown. Areas outwith this development remain as such. Our view is that the development as a whole will have a positive effect on the area.

As longstanding residents in the area we are aware that some 2 years ago, Fife Council funded the Scottish Woodland Trust to plant a hedgerow outwith the development area which, over time, will result in a hedge whose height, we are told, will extend to some 6ft high. We understand at the time the purpose of this hedge was to shield the pathway from the houses and add seclusion. This means that, in our view, the impact on the area of the fence will be wholly negated by actions already taken, and funded, by Fife Council.

We therefore reiterate our support for the Planning Application and respectfully urge you to approve it.

Yours sincerely



Mr & Mrs Denu

62 Seafar Drive

Kelty

Fife

KY4 0JX

Planning Appeals Committee
Fife Council
Fife House
North Street
Glenrothes
Fife
KY7 5LT

23 November 2021

Dear Sirs

Letter in Support of the Planning Appeal relating to Change of Use of land at 60 Seafar Drive, Kelty, Fife, KY4 0JX – Application Ref 21/00376/FULL

The above Planning Application was made by Mr & Mrs MacGregor, the legal owners of the subjects at 60 Seafar Drive, Kelty, Fife, KY4 0JX and the land to which the application relates.

As will doubtless have been noted, no objections were received by the Director of Planning from any local residents or the Community Council as a majority of the owners/occupiers of the properties in the immediate vicinity of the site, supported the formalisation of what was an established and existing development.

For reasons the rationale of which is known only to themselves, Fife Council Planning Department have seen fit to reject the application made, which we understand is being appealed by the applicants. We therefore hereby wish to register our full support for the Planning Application. We confirm that as an owner occupier in the immediate vicinity of the property we fully support the proposals set out in the Planning Application.

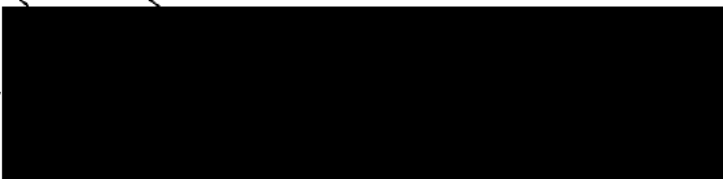
In our view, the development has enhanced the external appearance of the side of the property. Its formalisation, and the completion of the proposed fencing will only serve to enhance the area further.

The works already done and already established, have greatly improved the visual appearance of the side/rear of the property and formalisation of the proposals made will only serve to improve the visual appearance still further. The area was previously an area which was abandoned and extremely overgrown. Areas outwith this development remain as such. Our view is that the development as a whole will have a positive effect on the area.

As longstanding residents in the area we are aware that some 2 years ago, Fife Council funded the Scottish Woodland Trust to plant a hedgerow outwith the development area which, over time, will result in a hedge whose height, we are told, will extend to some 6ft high. We understand at the time the purpose of this hedge was to shield the pathway from the houses and add seclusion. This means that, in our view, the impact on the area of the fence will be wholly negated by actions already taken, and funded, by Fife Council.

We therefore reiterate our support for the Planning Application and respectfully urge you to approve it.

Yours sincerely





























Proposal Details

Proposal Name	100515231
Proposal Description	Appeal against Decision made re 21/00376/FULL Change of use from treebelt/vegetation to private garden ground and erection of fencing to side of dwellinghouse (part retrospect) 60 Seafar Drive Kelty Fife KY4 0JX
Address	60 SEAFAR DRIVE, KELTY, KY4 0JX
Local Authority	Fife Council
Application Online Reference	100515231-004

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete

Attachment Details

Post Submission Additional Documents	System	A4
Appeal Letter	Attached	A4
Letter of Support 1	Attached	A4
Letter of Support 2	Attached	A4
Images of 2 Seafar Drive	Attached	A4
images of 70 Seafar drive garden and boundary	Attached	A4
images of fence beside path	Attached	A4
Lack of Trees in Treebelt	Attached	A4
Post_Submission_Additional_Docum- 2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Post Submission Additional Documents-004.xml	Attached	A0

Agenda Item 5(2)

**60 Seafar Drive, Kelty, KY4 0JX
Application No. 21/00376/FULL**

Planning Decision Notice

Report of Handling

Planning Services

Mr & Mrs Stewart MacGregor
60 Seafar Drive
Kelty
KY4 0JX

Andrew Cumming
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/00376/FULL

Date 1st October 2021

Dear Sir/Madam

Application No: 21/00376/FULL
Proposal: Change of use from treebelt/vegetation to private garden ground
and erection of fencing to side of dwellinghouse (part retrospect)
Address: 60 Seafar Drive Kelty Fife KY4 0JX

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Andrew Cumming, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 21/00376/FULL
Proposal: Change of use from treebelt/vegetation to private garden ground and erection of fencing to side of dwellinghouse (part retrospect)
Address: 60 Seafar Drive Kelty Fife KY4 0JX

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/00376/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. The proposed loss of scrubland/tree belt and erection of boundary fencing would have an adverse impact on the visual amenity of the surrounding area and the safe use of the public footpath, contrary to policies 1, 10 and 13 of the Adopted FIFEplan (2017).
2. The proposed change of use would result in the loss of scrubland/tree belt to the detriment of the natural environment. The proposal is therefore contrary to Policies 1,10 and 13 of the Adopted FIFEplan (2017).

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
03	Block Plan
04	Proposed Elevations
05	Proposed Elevations
06	Report
07	Tree Removal Plan

Dated:1st October 2021

Derek Simpson

Decision Notice (Page 1 of 1) For Head of Planning Services
Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fifedirect.org.uk/planning. Completed forms should be sent to:

Fife Council, Committee Services, Corporate Services Directorate

Fife House

North Street

Glenrothes, Fife

KY7 5LT

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

APPLICATION DETAILS

ADDRESS	60 Seafar Drive, Kelty, Fife		
PROPOSAL	Change of use from treebelt/vegetation to private garden ground and erection of fencing to side of dwellinghouse (part retrospect)		
DATE VALID	24/02/2021	PUBLICITY EXPIRY DATE	01/04/2021
CASE OFFICER	Andrew Cumming	SITE VISIT	29/03/2021
WARD	Cowdenbeath	REPORT DATE	09/08/2021

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.0 BACKGROUND

1.1 The application relates to an area of tree belt/vegetation to the north of a residential property at 60 Seafar Drive. The area of tree belt/vegetation is bound by vegetation and trees to the north, east and west. A public footpath is located approximately 2 metres the north of the application site.

1.2 Partly retrospective planning permission is sought for a change of use from tree belt/vegetation strip to private garden ground and for the erection of 1.8 metre high boundary fencing to enclose this area. The applicant has advised that 2 trees have been removed from the site and they are proposing to replant 3 fruit trees within the site to the west.

1.3 A search of the planning history (see 1.4 below) suggests that the scrubland area was envisaged as land of some sort to serve the wider development of which Seafar Drive is a part, most probably landscaping to help integrate the development visually into its setting, although it is not clear as records are incomplete. The space does not appear to have ever been laid out in any formal sense, in accordance with a planning approval or otherwise; it would appear that the collapse of the original housebuilder may have resulted in the area being ignored and becoming scrubland. The scrub is well-established and does now help soften the development edge.

1.4 Relevant planning history:-

04/03893/WFULL, substitution of housetypes; amendment to layout and erection of two additional dwellinghouses at Meadows View (Phase 2), Great North Road, Kelty. Approved with conditions 5/1/05.

03/00131/WFULL, erection of 77 dwellinghouses, 41 with integral domestic garages, 2 with treble detached domestic garages and 27 with single domestic garages with associated road, footpaths, landscaping and surface water/attenuation pond. Approved with conditions 7/10/03. No documents available.

There have also been 2 similar applications for neighbouring properties:- 20/01832/FULL, change of use from vacant land to private garden ground including erection of fence (in retrospect) at 70 Seafar Drive, permitted 29/10/20, and 21/02132, change of use from vacant land to private garden ground (part retrospect) at 76 Seafar Drive, currently in the validation process.

2.0 ASSESSMENT

2.1 The key issues in the assessment of this application are Principle of Development and Amenity and Natural Heritage

2.2 Principle of Development

2.2.1 Part A of Policy 1: Development Principles of the adopted FIFEplan Fife Local Development (2017) supports the principle of development if it is either: a) within a defined settlement boundary and compliant with the policies for the location: or b) in a location where the proposed use is supported by FIFEplan.

2.2.2 The site is within the settlement boundary for Kelty. The area that is the subject to the change of use is within an area allocated as a Housing Opportunity Site KEL008 (Old Gas Works). It would appear that in carrying forward the opportunity site from the adopted Mid Fife Local Plan (2012) a mapping error was introduced, with the application site inadvertently being included within the opportunity site.

2.2.3 In land use terms the proposal would not prejudice any future development on allocated site KEL008.

2.3 Amenity Impact

2.3.1 Part B of Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity, and safeguarding the character and qualities of the landscape and complying with Policy 13: Natural Environment and Access.

2.3.2 Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets, including landscape character and views.

2.3.3 The proposed area of scrubland/tree belt to be lost would extend to 280m², extending the application site's garden ground to within 2 metres of the public footpath to the north side of the site, from level with the existing front/east boundary to level with the existing rear/west boundary, with the installation of the extended fencing providing a 1.8m high boundary enclosure in close proximity to the aforementioned public footpath. The proposed fencing would puncture through the existing scrubland/tree belt resulting in an incongruous and visually detrimental development.

2.3.4 Currently there is a distinct & reasonable degree of separation, providing a naturalised buffer, between the house curtilages & the public footpath, which provides an open feeling to the users of the public footpath, with natural surveillance of the path from the houses providing a feeling of safety for the path users. The proposed close proximity of fencing would reduce/remove this, with potential for a precedent to be set for further neighbouring house owners to extend their garden ground to such close proximity of the footpath, reducing its feeling of openness, increasing the unsafe nature of it, and resultantly reducing the use of it.

2.3.5 Conversely, the circumstances with the already approved garden ground increase at No. 70 and the proposed for No. 76 to the west of the application site, both for significantly smaller areas of the scrubland, some 132m² and 109m² respectively, are that their extended garden ground areas still leave some 10-16m of naturalised buffer separation between the residential curtilages and boundary fencing and the public footpath. This set back from the public footpath reduces the visual impact of the extended boundary fencing. It also retains the openness and natural surveillance of the footpath from the houses, and retains and encourages the usability of the footpath, which would not be the case with this application site's circumstances, or with others wishing to extend garden ground to such close proximity of the public footpath, if these proposals were approved.

2.3.6 Given the above it is considered that the proposed scheme would have any adverse impact on the amenity of the surrounding and therefore the proposal is contrary to the Development Plan in this regard.

2.4 Natural Heritage

2.4.1 Policies 1 and 13 of the Adopted Fife Plan apply.

2.4.2 As the application is partly in retrospect and the site had been cleared there are no records of what was on site prior to its clearance. The applicant has indicated on the approved plan that

2 trees have been felled and have stated on their application form that they are applying for a change of use from scrub/tree belt to garden ground.

2.4.3 Whilst it is accepted that it is likely that the scrubland/tree belt between the houses on Seafar Drive and the public footpath was not subject to any formal planting/landscaping the area is considered to have natural heritage value. Whilst it is noted that the applicant proposes to plant 3 new trees it is considered that this would not offset the loss of the scrubland /vegetation and trees which have been cleared form the site.

2.4.4 Given the above it is considered that the proposal would result in the loss of 280sq metres of scrubland/trees to the detriment of the natural environment as the locale. The proposal is therefore considered to be contrary to the terms of the Development Plan in this regard.

CONSULTATION RESPONSES

None

REPRESENTATIONS

None.

CONCLUSION

It is considered that the proposed loss of scrubland/tree belt and the boundary fencing proposals in such close proximity to the existing, open, public footpath are contrary to the relevant adopted FIFEplan policies with regards to amenity and natural heritage impacts.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. The proposed loss of scrubland/tree belt and erection of boundary fencing would have an adverse impact on the visual amenity of the surrounding area and the safe use of the public footpath, contrary to policies 1, 10 and 13 of the Adopted FIFEplan (2017).

2. The proposed change of use would result in the loss of scrubland/tree belt to the detriment of the natural environment. The proposal is therefore contrary to Policies 1,10 and 13 of the Adopted FIFEplan (2017).

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Agenda Item 5(3)

**60 Seafar Drive, Kelty, KY4 0JX
Application No. 21/00376/FULL**

Representation(s)

Mr & Mrs Denu

62 Seafar Drive

Kelty

Fife

KY4 0JX

Planning Appeals Committee
Fife Council
Fife House
North Street
Glenrothes
Fife
KY7 5LT

23 November 2021

Dear Sirs

Letter in Support of the Planning Appeal relating to Change of Use of land at 60 Seafar Drive, Kelty, Fife, KY4 0JX – Application Ref 21/00376/FULL

The above Planning Application was made by Mr & Mrs MacGregor, the legal owners of the subjects at 60 Seafar Drive, Kelty, Fife, KY4 0JX and the land to which the application relates.

As will doubtless have been noted, no objections were received by the Director of Planning from any local residents or the Community Council as a majority of the owners/occupiers of the properties in the immediate vicinity of the site, supported the formalisation of what was an established and existing development.

For reasons the rationale of which is known only to themselves, Fife Council Planning Department have seen fit to reject the application made, which we understand is being appealed by the applicants. We therefore hereby wish to register our full support for the Planning Application. We confirm that as an owner occupier in the immediate vicinity of the property we fully support the proposals set out in the Planning Application.

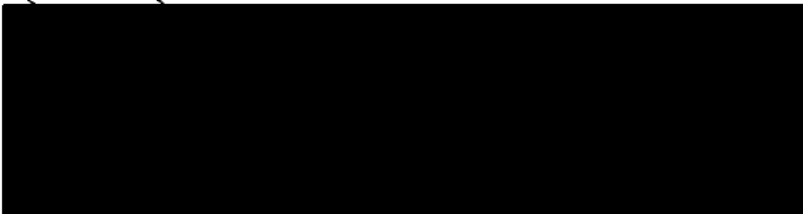
In our view, the development has enhanced the external appearance of the side of the property. Its formalisation, and the completion of the proposed fencing will only serve to enhance the area further.

The works already done and already established, have greatly improved the visual appearance of the side/rear of the property and formalisation of the proposals made will only serve to improve the visual appearance still further. The area was previously an area which was abandoned and extremely overgrown. Areas outwith this development remain as such. Our view is that the development as a whole will have a positive effect on the area.

As longstanding residents in the area we are aware that some 2 years ago, Fife Council funded the Scottish Woodland Trust to plant a hedgerow outwith the development area which, over time, will result in a hedge whose height, we are told, will extend to some 6ft high. We understand at the time the purpose of this hedge was to shield the pathway from the houses and add seclusion. This means that, in our view, the impact on the area of the fence will be wholly negated by actions already taken, and funded, by Fife Council.

We therefore reiterate our support for the Planning Application and respectfully urge you to approve it.

Yours sincerely



Mr & Mrs A Kelly
58 Seafar Drive
Kelty
Fife
KY4 0JX

Planning Appeals Committee
Fife Council
Fife House
North Street
Glenrothes
Fife
KY7 5LT

22 November 2021

Dear Sirs

Letter in Support of the Planning Appeal relating to Change of Use of land at 60 Seafar Drive, Kelty, Fife, KY4 0JX – Application Ref 21/00376/FULL

The above Planning Application was made by Mr & Mrs MacGregor, the legal owners of the subjects at 60 Seafar Drive, Kelty, Fife, KY4 0JX and the land to which the application relates.

As will doubtless have been noted, no objections were received by the Director of Planning from any local residents or the Community Council as a majority of the owners/occupiers of the properties in the immediate vicinity of the site, supported the formalisation of what was an established and existing development.

For reasons the rationale of which is known only to themselves, Fife Council Planning Department have seen fit to reject the application made, which we understand is being appealed by the applicants. We therefore hereby wish to register our full support for the Planning Application. We confirm that as an owner occupier in the immediate vicinity of the property we fully support the proposals set out in the Planning Application.

In our view, the development has enhanced the external appearance of the side of the property. Its formalisation, and the completion of the proposed fencing will only serve to enhance the area further.

The works already done and already established, have greatly improved the visual appearance of the side/rear of the property and formalisation of the proposals made will only serve to improve the visual appearance still further. The area was previously an area which was abandoned and extremely overgrown. Areas outwith this development remain as such. Our view is that the development as a whole will have a positive effect on the area.

As longstanding residents in the area we are aware that some 2 years ago, Fife Council funded the Scottish Woodland Trust to plant a hedgerow outwith the development area which, over time, will result in a hedge whose height, we are told, will extend to some 6ft high. We understand at the time the purpose of this hedge was to shield the pathway from the houses and add seclusion. This means that, in our view, the impact on the area of the fence will be wholly negated by actions already taken, and funded, by Fife Council.

We therefore reiterate our support for the Planning Application and respectfully urge you to approve it.

Yours sincerely

