

Wednesday, 18th November, 2020 - 1.30 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 North East Planning Committee of 21st October 2020. 3 - 5

DEVELOPMENT MANAGEMENT - REPORTS BY THE HEAD OF PLANNING

4. **20/01764/FULL - LAND AT CORNER OF SCHOOL ROAD AND ELLICE STREET, CELLARDYKE** 6 - 14

Alterations and repairs to boundary wall including the installation of gate and erection of fence (part retrospect).
5. **20/01882/FULL - EDENWOOD, 53 HIGH STREET, EARLSFERRY** 15 - 23

Erection of outbuilding to rear of dwellinghouse (part retrospect).

DEVELOPMENT MANAGEMENT - DELEGATED ITEMS

6. **APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**

List of applications dealt with under delegated powers for the period 5th October to 1st November, 2020.

Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

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.

Morag Ferguson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

11th November, 2020

If telephoning, please ask for:

Diane Barnet, Committee Officer, Fife House

Telephone: 03451 555555, ext. 442334; email: Diane.Barnet@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on

www.fife.gov.uk/committees

THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

21st October, 2020

1.30 p.m. – 4.00 p.m.

PRESENT: Councillors Donald Lothian (Convener), Tim Brett, Bill Connor, John Docherty, Andy Heer, Linda Holt, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, Jonny Tepp, Brian Thomson and Ann Verner.

ATTENDING: Chris Smith, Lead Officer - Major Business and Customer Service, Richard Simmons, Lead Officer Transportation Development Management (North Fife), Economy, Planning & Employability Services; Mary Mclean, Legal Team Manager (Planning, Property & Contracts) and Diane Barnet, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Margaret Kennedy, Dominic Nolan and Bill Porteous.

212. DECLARATIONS OF INTEREST

Councillor David MacDiarmid declared an interest in paragraph 217 - 20/01239/FULL - Kerkyra, East Loan, Falkland - as he resided near the application site and was known to the applicant.

213. MINUTE

The Committee considered the minute of the North East Planning Committee meeting of 23rd September, 2020.

Decision

The Committee agreed to approve the minute.

214. 19/01729/FULL - FAIRWAYS, THE LINKS, ST ANDREWS, KY16 9JB

The Committee considered a report by the Head of Planning relating to the erection of 4 no. dwellinghouses, formation of access, hardstanding and associated infrastructure (demolition of existing dwellinghouse).

Decision

The Committee agreed to refuse the application on the grounds that:-

- (1) the proposed development did not comply with Policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Scottish Planning Policy (2014) as it would increase the flood risk on the site and elsewhere by reducing the functional floodplain and the storage capacity without providing compensatory storage; and
- (2)/

- (2) the proposal would have an unacceptable impact on the character and setting of the Central St. Andrews Conservation Area by virtue of its density, design and scale and thereby be contrary to Policies 1, 2, 10 and 14 of the Adopted FIFEplan (2017), the St. Andrews Conservation Area Appraisal and Management Plan (2010), the St. Andrews Design Guidelines (2008) and Making Fife's Places Supplementary Guidance(2018).

Councillor Jonny Tepp joined the meeting during consideration of the following item.

215. 19/01724/CAC - FAIRWAYS, THE LINKS, ST ANDREWS, KY16 9JB

The Committee considered a report by the Head of Planning relating to Conservation Area Consent for the demolition of dwellinghouse.

Decision

The Committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

The meeting adjourned at 2.58 p.m.

The meeting reconvened at 3.05 p.m.

Councillor Brian Thomson left the meeting prior to consideration of the following item.

216. 20/00825/FULL - STREET RECORD, CHURCH STREET, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for the erection of dwellinghouse including erection of fence and associated landscaping works.

Decision

The Committee agreed to approve the application subject to the 11 conditions and for the reasons detailed in the report.

Councillor MacDiarmid left the meeting prior to consideration of the following item, having earlier declared an interest.

217. 20/01239/FULL - KERKYRA, EAST LOAN, FALKLAND

The Committee considered a report by the Head of Planning relating to an application for a two storey extension to side and alterations including raising ridge height, formation of juliet balcony and installation of roof lights.

Decision/

Decision

The Committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

218. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee agreed to note the lists of applications dealt with under delegated powers for the period 7th September to 4th October, 2020.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/01764/FULL

SITE ADDRESS: LAND AT CORNER OF SCHOOL ROAD AND ELLICE STREET
CELLARDYKE

PROPOSAL : ALTERATIONS AND REPAIRS TO BOUNDARY WALL
INCLUDING THE INSTALLATION OF GATE AND ERECTION OF
FENCE (PART RETROSPECT)

APPLICANT: CORRENNIE PROJECTS LTD
C/O SRGCAS SUITE 4.2 TURNBERRY HOUSE 175 WEST
GEORGE STREET

WARD NO: W5R19
East Neuk And Landward

CASE OFFICER: Fiona Kirk

DATE 21/08/2020
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five objections, contrary to the case officer recommendation have been received with regard to this proposal.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.0 BACKGROUND

1.1 This application relates to an existing boundary wall which is located on a corner position of School Road and Ellice Street and encloses a small garden area that is associated with a residential property at 5 Ellice Street in the village settlement of Cellardyke. The garden area is situated opposite this property and is also located within the Cellardyke Conservation Area in an established residential area. A section of the wall along the existing boundary facing School Road has been partially demolished as it was considered to be in a state of disrepair and there were concerns regarding its structural stability and the safety of pedestrians and road users passing the site. This wall was originally approximately 2 to 2.1 metres in height and was finished in red brick with the lower section in concrete render and natural stone to rear section of wall. Other sections of the existing wall have broken away from parts of the main wall and the finishes comprised of grey/natural facing brick, course rubble stonework and concrete render with a black painted cast iron gate. A corner section of the wall on Ellice Street and School Road has also been recently damaged and is partially demolished to ground level. The wall varied in height from approximately one metre to 2.1 metres in height owing to the ground levels of the application site.

1.2 This planning application is for alterations and repairs to the boundary wall including the installation of a gate and erection of fence (part retrospect). As stated above, for safety reasons the upper section of the red brick wall has been removed owing to stability issues caused by neglect and vegetation damage over the years and a corner section on both streets. The proposal would involve the repair and reinstatement of the wall similar to the existing wall using the down taking materials where possible. The proposed boundary wall would be rebuilt at a reduced height along School Road and on the corners of School Road and Ellice Street, which would assist with visibility issues entering School Road. Owing to the difference in ground levels, the wall would vary in height from approximately 1 metre to 800mm to give a consistent height level along the full length of the boundary wall. The remaining stone wall on School Road would have the concrete render removed with repairs and cleaning works carried out to reinforce and protect the existing wall and it would be re-rendered in a traditional natural colour with a matching pre-cast concrete cope as confirmed by the agent. The previously demolished corner section of the wall would also be re-built using matching stonework and rendered to match the wall on School Road. Localised repairs would also be made where required to remaining sections to reconsolidate the wall with existing vegetation cleared for protection against further damage. Part of the wall on Ellice Street would be re-built and finished in grey/natural brick to match the existing wall. An existing cast iron gate facing Ellice Street would be replaced with a similar gate.

1.3 A new opening has been created along a section of the wall facing onto School Road to create a driveway and hardstanding area in permeable paving associated with the new dwellinghouse, as per the previous planning approval (18/01994/FULL). Also, in line with the previous approval a 1.2 metre high timber fence would be erected within the site to separate the garden area from the driveway. A further timber fence at 1.2 metres would be built along the boundary with No. 4 Ellice Street to the rear of the driveway.

1.4 Planning permission was approved in 2018 including the garden (18/01994/FULL) for the erection of a dwellinghouse with associated access and parking including the installation of rooflights (demolition of existing garage).

2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:-

- Principle of Development
- Residential Amenity
- Impact on the Conservation Area, Design and Visual Impact

2.2 Principle of Development

2.2.1 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Cellardyke as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The alterations and repairs to the wall is supported by the fact that the wall would be finished in materials appropriate and to match the existing wall and other boundary walls within the immediate vicinity. A section of the wall would be reduced in height and would improve visibility to pedestrians and road users and therefore the proposal is considered to be acceptable and would comply with the Local Development Plan in this respect.

2.3 Residential Amenity

2.3.1 Policies 1, 10 and 13 of the Adopted FIFEplan Local Development Plan 2017, Making Fife Place's Supplementary Guidance (2018) and Fife Council's Customer Guidelines on Garden Ground apply with regard to this proposal. Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Policy 13 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks, green spaces, core paths, existing rights of way and established footpaths. Making Fife Place's Supplementary Guidance (2018) also advises that existing features such as trees, hedgerows and built features (walls, steps, buildings) should be retained where possible. Fife Council's Customer Guidelines on Garden Ground advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment. It is important that personal privacy and amenity is protected and must be considered in determining a planning application as outlined in the relevant policies and guidelines.

2.3.2 Objections have been submitted regarding the partial removal of the wall and proposed reduction in height, unacceptable height of the driveway, drainage issues with the driveway and no gradient of gardens stipulated, fumes from cars parked in drive, unacceptable introduction of railings, loss of privacy to neighbouring gardens, plans unsafe and pose a severe health and safety

risk, the driveway would introduce danger and safety issues to pedestrians and road users with the loss of parking and the proposal would set a precedent.

2.3.3 To address issues with the proposal, the submitted plans and objectors concerns a site visit has been carried out. Following discussions with the agent, amended plans were submitted to reduce the width of the driveway, as per the approved driveway (18/01994/FULL), remove the introduction of the railings to the wall and retain a section of wall adjacent to the west of the driveway. As stated previously in this report, specific sections of the wall have been removed for safety reasons and it was evident during the site visit that parts of the wall still remain unstable with visible cracks, missing stonework and no consolidation to the various sections of the wall. The wall along Ellice Street would be re-built to reinstate and match the existing wall in brick and the initial proposal for railings on the wall has been deleted from the proposal. A new gate would be installed to replace an existing gate which is in need of repair. Although the height of the wall along School Road has been significantly reduced with the removal of the red brick, the height of the wall would allow better visibility entering School Road from Ellice Street. The reduction in the height of the wall would also address the concerns of danger and safety issues to pedestrians and road users.

2.3.4 The issues concerning the unacceptable height of the driveway, drainage issues and soakaway issues with the driveway and gradients of the gardens are issues relating to the previous approval for the driveway (18/01994/FULL) and are not associated or material considerations in the assessment of this application. Concerns that the proposal could set a precedent and fumes from cars parked in the drive are also not material considerations in the assessment of this application and each proposal is assessed under its own merits. There is adequate parking within this quiet street to ensure there would not be any detrimental impact to loss of parking with the proposed driveway. The issue relating to loss of privacy with the reduction of the wall on School Road would only have a minimal impact as the neighbouring garden grounds are an adequate distance away and there is existing overlooking from Ellice Street to neighbouring gardens. It is considered that the proposal by way of its land use, size and scale would not have a material adverse impact on the amenity of neighbouring properties or diminish the rights and quality of life of the neighbouring residents and visitors and therefore the development would comply with the relevant Local Development Plan and guidelines relating to residential amenity.

2.4 Impact on the Conservation Area, Design and Visual Impact

2.4.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (April, 2019), Historic Environment Scotland's Managing Change in the Historic Environment on External Walls, Boundaries and Setting, HES New Design in Historic Settings 2010, Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Cellardyke Conservation Area Appraisal and Management Plan 2015 apply with regard to this property.

2.4.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be paid to the desirability of preserving the character and appearance of a Conservation Area. Policy HEP2 of the Historic Environment Policy for Scotland (April, 2019) advises that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development

within a Conservation Area shall be appropriate to the character and setting of the Conservation Area. Change should be sensitively managed to avoid or minimise adverse impacts and to ensure that its special characteristics are protected, conserved or enhanced. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Historic Environment Scotland's Managing Change in the Historic Environment on Walls, Boundaries and Settings advises that maintenance and appropriate repairs are the best means of safeguarding the historic character of a wall. Walls, fences and boundary treatments form an important element in defining the character of Conservation Areas. Settings can be important to the way in which historic structures or places are understood, appreciated and experienced. Historic Environment Scotland's New Design in Historic Settings advises that the sensitive use of appropriate colour, texture and pattern of materials whether traditional or contemporary is important.

2.4.3 Policy 14 of the Adopted FIFEplan Local Development Plan 2017 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area and its setting, having regard to Conservation Area Appraisals and associated management plans. The Cellardyke Conservation Area Appraisal and Management Plan 2013 advises that the correct use of traditional materials and detailing is important in defining and enhancing the special character of the Conservation Area.

2.4.4 Fife Council's Built Heritage Team have been consulted with regard to this proposal and recommended refusal on the basis that the introduction of modern materials and features, loss of historic fabric would have an adverse impact on the special historic character and appearance of the Conservation Area. However, following the design amendments noted it is considered by the case officer that the taking down of the unsafe masonry and rebuilding using the same design and materials is considered to be acceptable. Some improvements to the design such as the introduction of protective cope detail would be supported. To address initial concerns, the introduction of the modern feature of the railings to the wall on Ellice Street have been deleted from the proposal as they were considered to be visually detrimental and out of character to the existing wall. A new metal gate is proposed to replace the existing cast iron gate, which is in a poor state of repair, however, a condition would be attached to ensure that the new gate is finished in black painted cast iron which is more appropriate to enhance and protect the Conservation Area. Details of the specification and colour of the render and coping stone to the wall would also be required, prior to any works starting on site, to ensure the finishing materials are appropriate to the character and appearance of the Conservation Area. Although the red brick was removed from the wall, it was not consistent with the main section of the wall and its removal from the wall introduces a consistent finish to the wall in keeping with walls in the immediate vicinity.

2.4.5 Objection concerns have also stated that the proposed alterations would be detrimental and out of character to the Conservation Area with unacceptable materials, introduction of railings and metal gate and no specification of finishing materials and lack of detail and limited or no use of original reclaimed materials. Many of the walls within the immediate area are relatively low in height and the proposed reduction in the height of the walls would give a continuity to boundary walls in the area. Design improvements have been made with this proposal and as previously stated conditions would be attached to ensure that the finishing materials are acceptable. Reference has been made to use of the original reclaimed materials, where possible and this can only be determined and established with the down taking materials, once building works to the wall commence. It was also confirmed that the existing wall would have the concrete render removed, as it was a later addition in an unacceptable finish, with the existing natural stone

repaired and cleaned and a natural colour render and coping stone applied. The removal of the existing cement render is also welcomed as its retention would continue to damage the structure; and its removal would enhance the visual appearance of the wall. Currently, the walls consist of a number of different finishes and although the concrete render may have been applied to keep the wall together, it is an inappropriate material and there is no consistency to the different finishes to the wall with a detrimental impact to the overall appearance. The proposed wall would have a traditional appearance with consistent materials and provide an enhanced quality finish to the appearance along both streets. Taking all of the above in account, it is considered that the proposal respects the architectural and visual quality of the wall and the repair and maintenance work is in keeping with the character and appearance of the Cellardyke Conservation Area and which is compatible with the relevant Local Development Plan and guidelines.

CONSULTATIONS

Built Heritage

Refuse. The taking down of the unsafe masonry and improvements to the design would be supported.

REPRESENTATIONS

Eight objections have been received with regard to this proposal and it is noted that further late representations have been submitted following notification of the amended plans. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

1. Partial removal of the wall and proposed reduction in height.

Case Officer response: The partial removal of the wall occurred to address safety and stability issues and has been considered and addressed in Sections 1.2, 2.3.2 and 2.3.3 of this report.

2. Unacceptable height of the driveway, drainage issues with the driveway and no gradient of gardens stipulated.

Case Officer response: These issues relate to the previous approval for the dwellinghouse and associated driveway and have been considered in Sections 2.3.2 and 2.3.4 of this report.

3. Fumes from car parked in drive and impact of breathing in fumes.

Case Officer response: These are not material considerations in the assessment of this proposal and have been considered in Sections 2.3.2 and 2.3.4 of this report.

4. Unacceptable introduction of railings, metal gate and no specification of finishing materials. Lack of detail of use of original reclaimed materials, where possible.

Case Officer response: The proposed railings have been removed from the proposal with finishing materials confirmed by the agent and noted on the plans. Specific conditions would be applied relating to finishing materials. These issues have been addressed and considered in Sections 2.3.3 and 2.4.4 of this report.

5. Loss of privacy to neighbouring gardens owing to reduction in wall height.

Case Officer response: This issue has been addressed and considered in Section 2.3.2 and 2.3.4 of this report.

6. Proposal is unsafe and pose a severe health and safety risk, the driveway would introduce danger and safety issues to pedestrians and road users with the loss of parking.

Case Officer response: The driveway has been assessed and approved in a previous planning approval and the issues have been addressed and considered in Sections 1.2, 2.3.2 and 2.3.4 of this report.

7. The proposal would set a precedent.

Case Officer response: This is not a material consideration in the consideration of this proposal and has been addressed in Sections 2.3.2 and 2.3.4 of this report.

8. Alterations would be visually detrimental and out of character to the Conservation Area with unacceptable materials.

Case Officer response: These issues have been fully considered and assessed within Sections 2.4.4 and 2.4.5 of this report.

9. Planning process issues – re-sent communication to objectors advising amended plans had correct dates on correspondence.

Case Officer response: This was a clerical error, however, sufficient time was allocated to give objectors adequate time to make further comment with regard to the amended plans.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of National Guidance, Local Development Plan, Fife Council Planning Customer Guidelines and relevant Cellardyke Conservation Area Appraisal and Management Plan 2015. The proposal is compatible with its surrounds in terms of land use, design, scale and finishing materials and would not cause any detrimental impact on the surrounding properties, residential amenity and the character and appearance of the Cellardyke Conservation Area.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. FOR THE AVOIDANCE OF DOUBT, the existing down taking bricks and stone shall be re-used to construct the wall where possible. All new stone, brick repair and replacement details shall be in a colour and coursing to match the existing stone and brick of the wall.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character and appearance of the Cellardyke Conservation Area.

2. All stone cleaning works and removal of render, surface staining and vegetation to the existing walls shall be carried out manually without any blasting or chemicals.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character and appearance of the Cellardyke Conservation Area and to avoid any damage to the existing stonework.

3. BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed render and coping stone to the wall shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character and appearance of the Cellardyke Conservation Area.

4. The new gate hereby approved shall be finished in cast iron and painted black.

Reason: In the interests of visual amenity; to ensure that the development does not detract from the character and appearance of the Cellardyke Conservation Area.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
Historic Environment Policy for Scotland (April, 2019)
Scottish Planning Policy 2014 (Valuing the Historic Environment)
Historic Environment Scotland's Managing Change in the Historic Environment - External Walls, Settings and Boundaries
Historic Environment Scotland's New Design in Historic Settings

Development Plan

Adopted FIFEplan Local Development Plan 2017
Fife Council's Making Fife's Places - Supplementary Guidance (2018)

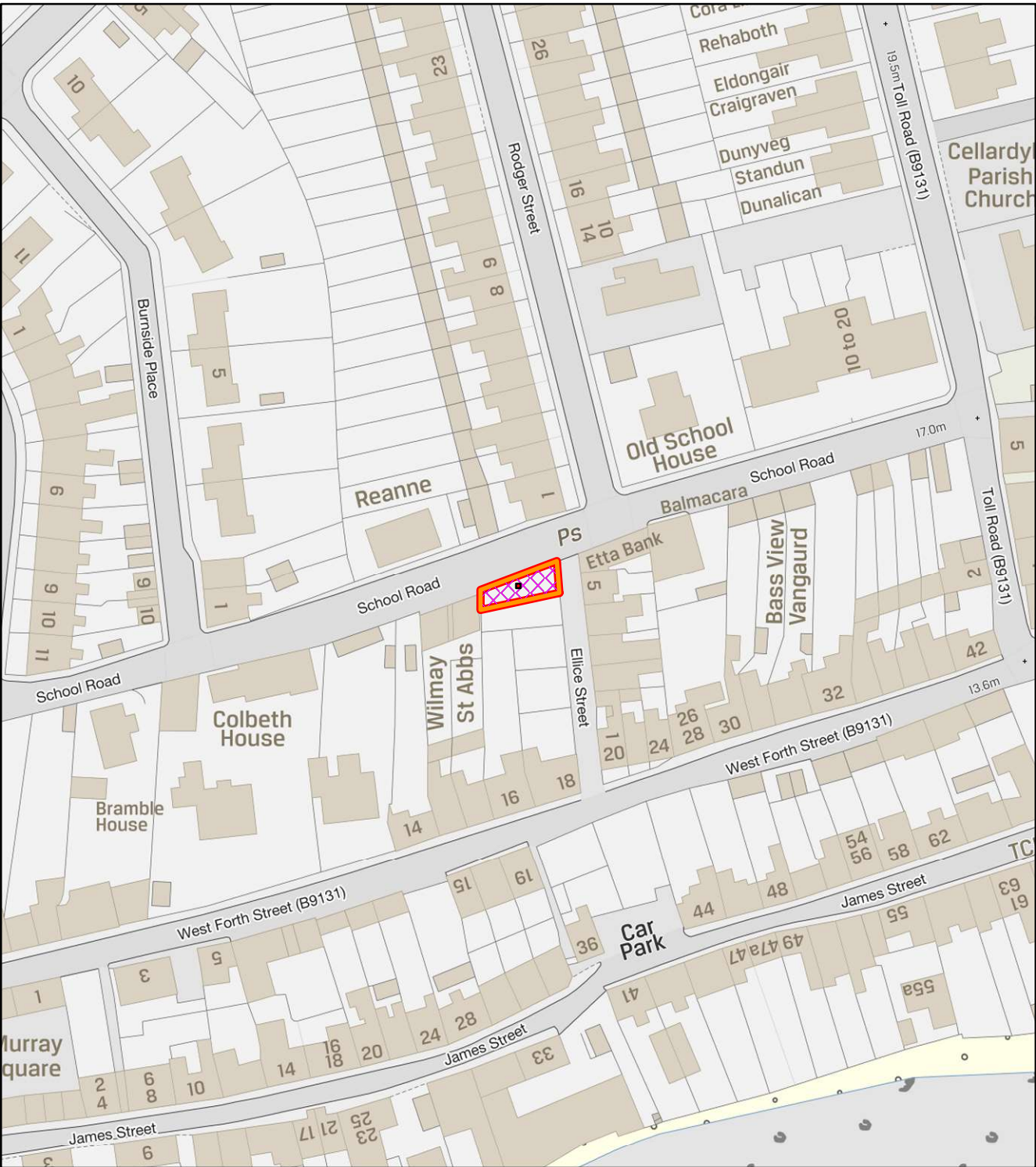
Other Guidance

Fife Council's Planning Customer Guidelines - Garden Ground
Fife Council's Cellardyke Conservation Area Appraisal and Management Plan 2015

Report prepared by Fiona Kirk, Planning Assistant and Case Officer.
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/11/20.

Date Printed 23/10/2020

Land At Corner Of School Road And Ellice Street Cellardyke



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2016. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Legend

 Application Boundary







Economy, Planning & Employability Services

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/01882/FULL

SITE ADDRESS: EDENWOOD 53 HIGH STREET EARLSFERRY

PROPOSAL : ERECTION OF OUTBUILDING TO REAR OF DWELLINGHOUSE

**APPLICANT: MR S BANNERMAN
EDENWOOD 53 HIGH STREET EARLSFERRY**

WARD NO: W5R19
East Neuk And Landward

CASE OFFICER: Fiona Kirk

DATE 16/09/2020
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five objections contrary to the case officer recommendation have been received with regard to this proposal.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.0 BACKGROUND

1.1 This application relates to a semi-detached two storey dwellinghouse which is situated within an established residential area in Earlsferry. The property is also located within the Elie and Earlsferry Conservation Area and is positioned close to the shoreline with the rear garden ground extending to Elie beach. To the front, the property is traditional in appearance with a natural slate roof and rooflight, cream wet dash render and two over two pane white painted single glazed timber sash and case windows. To the rear, the property has been significantly extended with a one and a half storey extension with a mansard roof and Juliette balcony window and a further single storey extension with a glazed rear elevation facing into the rear garden. The rear garden has access onto the beach and is enclosed with an approximate one metre high stone wall and mature planting.

1.2 Planning permission is being sought for the erection of an outbuilding to the rear of the dwellinghouse (retrospective). The proposal has involved the erection of an outbuilding for use as a garden room, which has been constructed and built along the rear boundary line of the garden adjacent to the shoreline. At a size of approximately 5.6 metres in length and 4 metres in width, the outbuilding has a pitched roof and has been constructed in natural timber vertical boarding to the lower section, a cedar shingle roof with glazing on all upper sections and timber framing. A supporting statement has been submitted with this proposal advising that the applicant was unaware planning permission was required. It should be noted that a site visit has been carried out with respect to this proposal to fully assess this retrospective planning application.

1.3 With regard to the planning history for this property, in 2003 planning permission was granted (03/00088/EFULL) for alterations and extension to the dwellinghouse (including a dormer extension, roof alterations, single storey rear extension and partial demolition. In 1996 planning permission was also granted (96/00150/HIST) for an extension to dwellinghouse.

2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:-

- Principle of Development
- Residential Amenity
- Impact on the Conservation Area, Design and Visual Impact

2.2 Principle of Development

2.2.1 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Elie and Earlsferry as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The principle of development for this type of structure within garden grounds has already been established with similar outbuildings and gardens rooms constructed within neighbouring properties, where property owners wish to optimise views from their gardens across the Firth of Forth and shoreline. Therefore, the proposal is considered to be acceptable in principle in broad land use policy terms as it would comply with the Local Development Plan in this respect. However specific design

details and amenity impacts need to be considered to determine if the proposal is acceptable as proposed.

2.3 Residential Amenity

2.3.1 Policies 1, 10 and 13 of the Adopted FIFEplan Local Development Plan 2017, Fife Council's Making Fife Place's Supplementary Guidance (2018) and Fife Council's Customer Guidelines on Garden Ground apply with regard to this proposal. Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 of the Adopted FIFEplan 2017 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Policy 13 of the Adopted FIFEplan 2017 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks, green spaces, core paths, existing rights of way and established footpaths. Fife Council's Making Fife Place's Supplementary Guidance (2018) focuses on site appraisal and the context of a site to ensure there is no impact on residential amenity. Fife Council's Customer Guidelines on Garden Ground advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment. Proposals shall be compatible with their surrounds in terms of land use and relationship to existing dwellings and not intrude on neighbour's privacy. It is important that personal privacy and amenity is protected and must be considered in determining a planning application as outlined in the relevant policies and guidelines.

2.3.2 Objection concerns have been submitted regarding the loss of privacy and overlooking issues, potential of the proposal to set a precedent, difficulty to understand how a long term proprietor of a house is not aware the property is within a Conservation Area and concerns that the proposal overwhelms and impacts views from other properties and affects the views and appearance along the coastal path and from the beach. The outbuilding has been suitably positioned to the south most section of the rear garden away from the neighbouring properties along this street. Like the adjacent properties, this property has a large mature garden and although this outbuilding is large, the development does retain sufficient garden ground for the day to day activities of the owners. There is also mature planting and boundary wall protection in place between gardens to provide some screening to the neighbouring gardens. Currently, there is still a degree of overlooking and mutual visibility between the gardens of the adjacent properties which already has an impact on the levels of privacy enjoyed by the residents in the street. In addition all the gardens are easily overlooked from the dunes to the south so there is little privacy at the ends of the gardens adjacent to the site. In terms of residential amenity issues this proposal does not have any further detrimental impact to the immediate area than already exists at present.

2.3.3 A precedent has also been established for this type of development along the shoreline, with many summer houses and garden rooms constructed to enable residents to enjoy the views and open outlook that this area has, from their own gardens. Notwithstanding this however each proposal must be assessed on its own merits. Concerns regarding the question how a long-term proprietor of a house is not aware the property is within a Conservation Area is not a material consideration in the assessment of this planning application. It is considered that the proposal by way of its land use, size and scale would not have a material adverse impact on the amenity of neighbouring properties or diminish the rights and quality of life of the neighbouring residents and visitors and therefore the development would comply with the relevant Local Development Plan and guidelines relating to residential amenity.

2.4 Impact on the Conservation Area, Design and Visual Impact

2.4.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (April, 2019), Historic Environment Scotland's Managing Change in the Historic Environment on Extensions, HES New Design in Historic Settings 2010, Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Making Fife Place's Supplementary Guidance (2018), Fife Council's Planning Customer Guideline on Home Extensions (including garages and conservatories), Fife Council's Elie and Earlsferry Conservation Area Appraisal and Management Plan 2013 apply with regard to this property.

2.4.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be paid to the desirability of preserving the character and appearance of a Conservation Area. Policy HEP2 of the Historic Environment Policy for Scotland (April, 2019) advises that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development within a Conservation Area shall be appropriate to the character and setting of the Conservation Area. Change should be sensitively managed to avoid or minimise adverse impacts and to ensure that its special characteristics are protected, conserved or enhanced. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Historic Environment Scotland's Managing Change in the Historic Environment on Extensions advises that extensions must be designed in a high-quality manner using appropriate materials and must protect the character and appearance of a building. Historic Environment Scotland's New Design in Historic Settings advises that the sensitive use of appropriate colour, texture and pattern of materials whether traditional or contemporary is important. Their use and detailing particularly near open landscapes, is crucial in making a development stand out or blend in.

2.4.3 Policy 14 of the Adopted FIFEplan Local Development Plan 2017 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area and its setting, having regard to Conservation Area Appraisals and associated management plans. Fife Council's Making Fife Place's Supplementary Guidance (2018) advises that good design plays a vital role to maintain the character and quality that affects people's experience of a place. Fife Council's Planning Customer Guideline on Home Extensions advises that development should not alter the character of a house. The Elie and Earlsferry Conservation Area Appraisal and Management Plan 2013 advises that the correct use of traditional materials and detailing is important in defining, protecting and enhancing the special character of the Conservation Area. Any new development within a Conservation Area should also be sympathetic to adjacent buildings and the area as a whole.

2.4.4 Fife Council's Built Heritage Team have been consulted with regard to this proposal and have recommended that additional information should be submitted to show how the design and location has been chosen to ensure it does not impact on the special architectural and historic character and appearance of the Conservation Area. Although this proposal is in retrospect and the outbuilding is in situ, the request and concern raised by the Built Heritage Team were taken into account when the site visit was carried out with regard to any impact to the Conservation

Area. As the building is retrospective and can be assessed in situ in terms of its design and impact on the conservation area; on this occasion, the Built Heritage Team requests have been set aside as the site visit assessment enabled the proposal as built to be considered in situ as such the proposal is considered to be acceptable as it stands. It is considered that the location at the bottom of the garden does have less impact to the adjacent properties in terms of close proximity to neighbouring buildings and the setting in open garden space adjacent to the dunes mitigates any adverse impact to the immediate and wider Conservation Area. The design is also traditional with appropriate finishing materials and is considered to be acceptable as the style and location are appropriate for this type of development given how and where it has been built.

2.4.5 Objection concerns have also stated that the scale and style is totally out of character with inappropriate finishing materials, built on a platform which raises the height, size and proportion, too large for plot and is an additional room not a garden hut or summerhouse and is not similar to other summer houses and is detrimental and out of character to the Conservation Area, disproportionate and indiscreet prominent location, affects the views and appearance along the coastal path and from the beach and is too close to dunes. Although this outbuilding is larger in comparison to other garden rooms positioned along the shoreline, there are other structures of a similar nature, incidental to residential uses, which are located close to the coastal path and beach. The mature garden is large enough to accommodate the size of this proposal and the height and proportion of the development does not overwhelm the surrounding buildings or area owing to its position away from other properties. This outbuilding is unique in terms of scale and design to other summer houses, however, it has been attractively and sympathetically designed in aesthetically pleasing traditional materials of a high quality; in a natural material which will weather and soften to a silver grey to fit in with the natural habitat of the coast line and dune landscape when viewed from the wider area. It is welcomed that the upper section of the outbuilding is timber framed and mostly glazed as this helps to break up the visual impact and views of the building from the beach and the coastal path. The outbuilding is considered to have no adverse visual or physical impact to the dunes and natural landscape and adjacent beach and coastal paths. Taking all of the above into account, it is considered that the proposal respects the architectural and visual quality of the surrounding environment and is in keeping with the character and appearance of the Elie and Earlsferry Conservation Area. Therefore, it is considered that the proposal complies with National Guidance, the Local Development Plan and relevant guidelines relating to design and visual impact.

CONSULTATIONS

Built Heritage

Additional information should be submitted to show how the design and location has been chosen to ensure it does not impact on the Conservation Area.

REPRESENTATIONS

Twenty two objections have been received with regard to this proposal including comments from the Community Council and the East Neuk Preservation Society. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

1. Loss of privacy and overlooking issues.

Case Officer response: This concern has been considered and addressed in Section 2.3.2 of this report.

2. Set a precedent.

Case Officer response: This is not a material consideration in the assessment of this proposal and has been addressed in Section 2.3.3 of this report.

3. Difficulty in understanding how a long-term proprietor of a house is not aware their property is in a Conservation Area.

Case Officer response: This is not material considerations in the assessment of this proposal and has been considered in Section 2.3.3 of this report.

4. Scale and style is totally out of character with inappropriate finishing materials.

Case Officer response: The outbuilding has been traditionally constructed and finished in materials which are of a high standard and use of craftsmanship. This issue has been fully assessed and considered in Section 2.4.5 of this report.

5. Overwhelms and impacts views from other properties and affects the views and appearance along the coastal path and from the beach.

Case Officer response: The preservation of views from other properties is not a material planning consideration. The wider visual impact on the Elie and Earlsferry Conservation Area is assessed and considered in Section 2.4.5 of this report.

6. Built on a platform which raises the height, size and proportion and is too large for plot.

Case Officer response: The design and scale of the proposal have been addressed and considered in Section 2.4.5 of this report.

7. Outbuilding is an additional room not a garden hut or summerhouse and is not similar to other summer houses.

Case Officer response: Every proposal has to be assessed and considered on its own merits and this been addressed in Section 2.4.5 of this report.

8. Affects the views and appearance along the coastal path and from the beach and is too close to dunes.

Case Officer response: These issues have been fully considered and assessed within Section 2.4.5 of this report.

9. Detrimental and out of character to the Conservation Area.

Case Officer response: This issue has been fully considered and assessed within Section 2.4.5 of this report.

10. Disproportionate and indiscreet prominent location.

Case Officer response: This issue has been fully considered and assessed within Section 2.4.5 of this report.

Eight emails supporting the proposal have also been submitted which highlight:-

1. Eco-friendly structure.
2. Fantastic building using the highest standard of materials.
3. Structure fits well in the large mature garden and is a distance from other building to ensure no loss of light to neighbouring properties.
4. Other gardens rooms within the area.
5. Positioned to enjoy the evening sun.
6. Owners intend to landscape around their garden to neighbours enjoy their privacy.
7. Saves area from a degree of dilapidation and preserves the area.
8. No impact to air, land or water pollution.
9. In keeping and sympathetic to the surrounding environment.
10. Fabulous blend of traditional and modern craftsmanship which is an attractive addition to the area.
11. Replaces previous summerhouse which was gifted to a neighbour.
12. Good design and high-quality finish which will age and the colour will soften to silver grey to fit perfectly to natural habit and dune landscape.

Case Officer response: These issues have all been taken into consideration and assessed within Section 2.4.5 of this report and in the processing of this planning application.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of National Guidance, Local Development Plan, Fife Council Planning Customer Guidelines and relevant Elie and Earlsferry Conservation Area Appraisal and Management Plan 2013. The proposal is compatible with its surrounds in terms of land use, design, scale and finishing materials and would not cause any detrimental impact on the surrounding properties, residential amenity and the character and appearance of the Elie and Earlsferry Conservation Area.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. FOR THE AVOIDANCE OF DOUBT, the outbuilding hereby approved shall only be used for domestic purposes which are incidental to the enjoyment of the dwellinghouse as a garden room and not as a permanent separate unit. Furthermore, the outbuilding shall not be sold, let or rented or otherwise disposed of other than as part of the existing dwellinghouse on site.

Reason: In order to retain full control over the development and to avoid the creation of an additional permanent unit.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
Historic Environment Policy for Scotland (April, 2019)
Scottish Planning Policy 2014 (Valuing the Historic Environment)
Historic Environment Scotland's Managing Change in the Historic Environment - Extensions
Historic Environment Scotland's New Design in Historic Settings

Development Plan

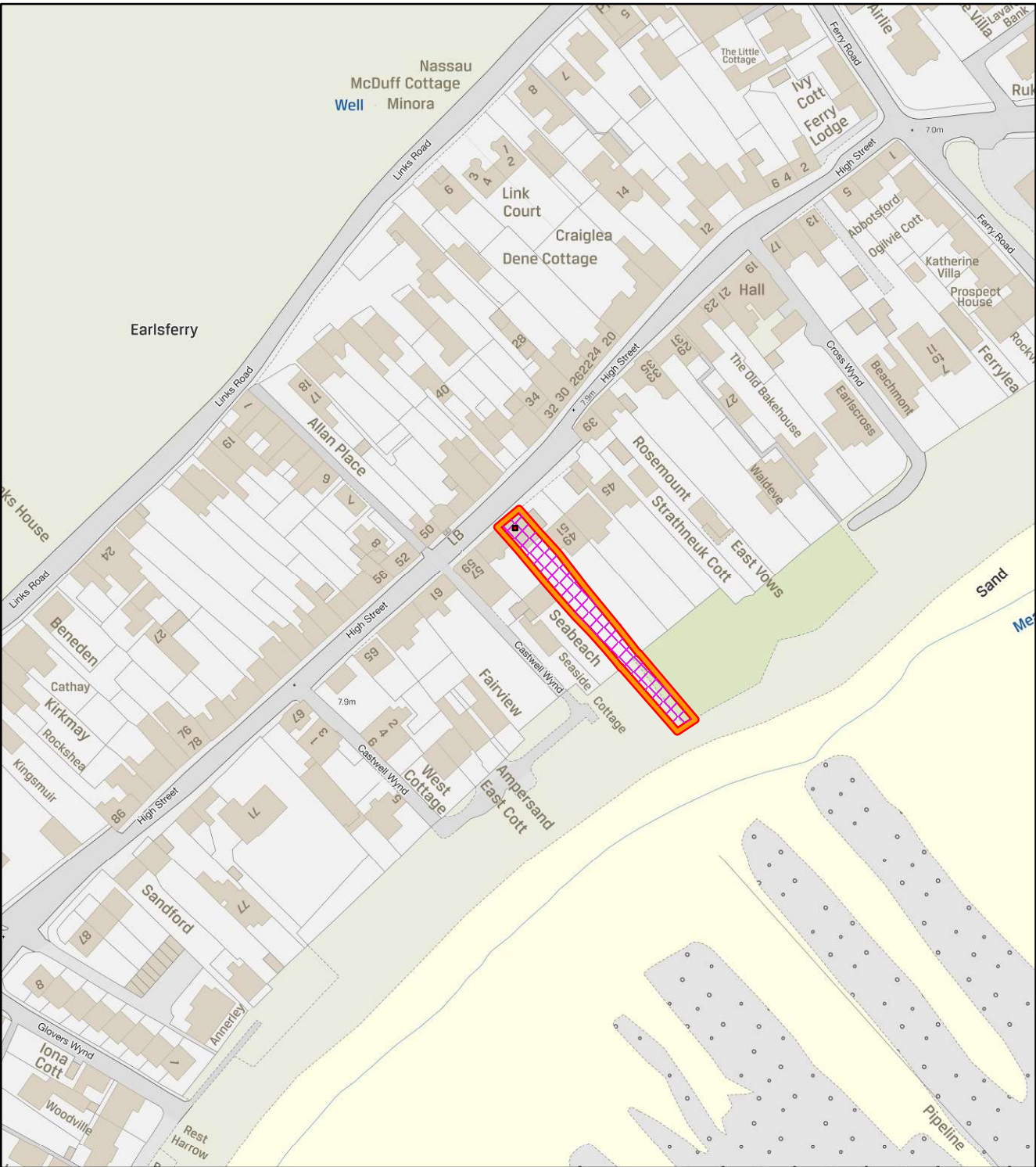
Adopted FIFEplan Local Development Plan 2017
Fife Council's Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

Fife Council's Planning Customer Guidelines - Garden Ground
Fife Council's Planning Customer Guidelines - Home Extensions (including garages and conservatories)
Fife Council's Elie and Earlsferry Conservation Area Appraisal and Management Plan 2013

Report prepared by Fiona Kirk, Case Officer and Planning Assistant
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/11/20.

Date Printed 26/10/2020



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2016. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Legend

 Application Boundary

0 5 10 20 30

 m





Fife
COUNCIL

Economy, Planning & Employability Services