

FPRB Reference: 20/345

## Review Decision Notice

---

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 8 Banknowe Drive, Tayport, Fife, DD6 9LN
- Application for review by Mrs Pauleene Johnson against the decision by an appointed officer of Fife Council
- Application 20/01524/FULL for Full Planning Permission for Single storey garage extension to side and 2 storey extension to rear of dwellinghouse
- Application Drawings:  
01 - Location Plan, 03 - Photographs, 04 - Photographs, 05 - Photographs, 07 - Photographs, 08 - Photographs, 09 - Photographs, 02A - Various existing and proposed, 06 - Photographs,
- No Site Inspection took place.

Date of Decision Notice: 5th February, 2021.

---

### Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reasons outlined below in section 4.0.

#### 1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 18th January, 2021. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Bill Porteous and Mino Manekshaw.

#### 2.0 Proposal

- 2.1 The application site relates to a two storey, semi-detached dwellinghouse located within a residential area of Tayport. The property sits on the corner of Banknowe Drive, opposite Banknowe Terrace. The dwellinghouse is finished in a slate roof, with a light-coloured dry dash render. At the side of the dwellinghouse is a timber shed and a parking space for one car. The rear garden is an irregular shape, enclosed by a privet hedge to the north and a low hedge to the north east. Two dwellinghouses are located to the south east boundary of the garden.

2.2 The submitted application is for Planning Permission for the erection of a two storey extension to the rear of the dwellinghouse and a single storey garage extension to the side. The two-storey extension would measure approximately 21.2sqm and it would accommodate a new kitchen and utility area on the ground floor, with a new bedroom and en-suite on the first floor. The garage would be located along the northern boundary and would be used for storage purposes, as it would be too small to store a car. Proposed external finishes would be slate roofs, with roughcast walls to match the existing dwellinghouse. The garage doors would be a grey roller type.

### **3.0 Reasoning**

- 3.1 The determining issues in this review were residential amenity and visual amenity. The FPRB considered the terms of the Development Plan which comprises the approved TAYplan (2017) (“Strategic Development Plan”) and the Adopted FIFEplan Fife Local Development Plan (2017) (“Adopted Local Development Plan”). The FPRB considered the Council’s non-statutory planning guidance Planning Customer Guidelines on Home Extensions (2016), Daylight and Sunlight (2018) and Garden Ground (2016). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (SG) (2018) (including appendices) and SPP (2020).
- 3.2 The FPRB firstly considered whether to accept the additional supporting information submitted by the applicant, comprising amended drawings to address the inaccuracies outlined within the reasons for refusal, and daylight and sunlight calculations. The FPRB did not accept the additional information submitted, therefore based their assessment of the proposals on the information submitted with the original planning application and the drawings that were before the Appointed Officer. It was felt that there was no information that could not have reasonably been submitted prior to determination by the case officer and that there is a presumption against new information being accepted.
- 3.3 The FPRB assessed the proposals against FIFEplan Policies 1 and 10 and Planning Customer Guidelines on Home Extensions (2016), in terms of design and visual impact. They considered that the proposals could not be considered to comply with the policies or customer guidelines because they could not be fully assessed due to the inaccuracies within the drawings.
- 3.4 The FPRB then assessed the proposals against Policies 1 and 10 and Daylight and Sunlight (2018) in terms of residential amenity. Again, due to the inaccuracies of the drawings submitted, the FPRB considered that the proposals could not be fully assessed in this regard. Additionally, due to the lack of a daylight or sunlight assessment, it would not be possible to assess the impact of the proposals on residential amenity in terms of overshadowing or loss of daylight. Within their assessment of residential amenity, the FPRB considered the representation received which outlined concerns regarding an increase in wind as a result of the proposed garage. The FPRB considered that the impact of wind could be a material consideration in terms of its potential impact on amenity, but that it would not be a significant material consideration in this instance, due to the scale of the potential impact, and it would not be significant enough to warrant a reason for refusal. The FPRB considered that there would not be a significant adverse impact on wind effect to neighbouring properties as a result of the proposals.

3.5 The FPRB assessed the proposals against Policies 1 and 3 and Making Fife's Places (2018) and considered whether the proposals were acceptable in terms of parking and road safety. They noted that Transportation Development Management Officers did not object to the proposals and agreed that there would be sufficient parking spaces available for the proposed extension, even with the garage not being large enough to be considered a parking space.

3.6 The FPRB considered whether there were any further material considerations that would outweigh the reasons for refusal. The FPRB considered the supporting information within the Notice of Review but these were not sufficient to persuade the FPRB that the application should be approved. The FPRB therefore agreed with the assessment and reason for refusal of the Appointed Officer.

#### **4.0 Decision**

4.1 The FPRB thereby uphold the decision reviewed by them and refuse Planning Permission for the reasons below:

1. In the interests of safeguarding visual amenity; the submitted drawings are inaccurate, the drawings have not been corrected and revised to address residential amenity concerns and it cannot therefore be demonstrated that the proposals would fully comply with Policies 1 and 10 of the Adopted Fifeplan 2017, Making Fife's Places - Supplementary Guidance (2018) and Fife Councils Planning Customer Guidelines on Home Extensions (2016).
2. In the interests of safeguarding residential amenity; the submitted drawings are in-accurate, the drawings have not been corrected, no daylight and sunlight calculations have been submitted and overlooking concerns have not been addressed, and it cannot therefore be demonstrated that the proposals would fully comply with Policies 1 and 10 of the Adopted Fifeplan 2017, Fife Council's Planning Customer Guidelines on Home Extensions (2016), Daylight and Sunlight (2018) and Garden Ground (2016).

.....  
Proper Officer

**NOTICE TO ACCOMPANY REFUSAL ETC.  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or  
on the grant of permission subject to conditions*

**NOTICE TO ACCOMPANY REFUSAL ETC.  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on determination by the planning authority of an  
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.