

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 6 Provost Niven Close, St Andrews, Fife KY16 9BL
- Application for review by Dr Alistair Dorward against the decision by an appointed officer of Fife Council
- Application 21/01281/FULL for Full Planning Permission for Conversion of integral garage to form habitable accommodation
- Application Drawings:
 - 01 - Location Plan/Block Plan, 02 - Floor Plan - existing and proposed,
 - 03 - Elevations existing and proposed, 04 - Statement,
- No Site Inspection took place.

Date of Decision Notice: 9th December, 2021.

Decision

The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the condition 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 22nd November, 2021. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Graham Ritchie, Bill Porteous and Ross Paterson.

2.0 Proposal

- 2.1 The application relates to a 2 bedroomed ground floor flatted dwelling located within the town centre of St Andrews. The flatted dwelling is accessed via a pend off Argyle Street and is part of a 3-storey modern flatted complex covering two separate buildings. External finishes comprise of a slate roof, modern render, re-constituted stone, and double-glazed timber mock sash and case windows. The site is also positioned within the St Andrews Conservation Area. The site serves 11 flatted dwellings and includes a private car park accessed via the pend where there is parking for 15 cars; 2 commercial, 2 visitor, 9 domestic and 2 garage spaces. Each flatted dwelling has been allocated one parking space. The applicant owns one of the two integral garage spaces. Three of the properties within the development have planning consent to operate as HMO's - Houses in Multiple Occupancy.

2.2 The proposed development is for the conversion of an integral garage into a family room and external alterations including the installation of a new window and infilling of the surrounding area with re-constituted stone. The submission proposes to replace the existing garage door with re-constituted stone and to insert one new window, all to match existing details and external finishes. The new window would align through with the existing windows located on the front elevation.

3.0 Reasoning

3.1 The determining issues in this review were road safety relating to off-street parking and visual impact of the development on the St Andrews Conservation Area. The FPRB considered the terms of the Development Plan which comprises the TAYplan (2017) (“Strategic Development Plan”) and the Adopted FIFEplan (Fife Local Development Plan 2017) (“Adopted Local Development Plan”). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (2018) (including Appendices), Fife Council’s Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas, St Andrews Conservation Area Appraisal and Management Plan (2013), Historic Environment Policy Scotland (HEPS) (April 2019) and Scottish Planning Policy (2014).

3.2 The FPRB considered the visual impact that the proposal would have on the site and the surrounding St Andrews Conservation Area. The FPRB considered that the proposed windows and infilling of the surrounding area would use materials to match the existing building and that the window would align with other existing windows. The FPRB also considered that the building was modern and that it could not be easily viewed from the surrounding Conservation Area. The FPRB determined that the proposed external alterations would have no detrimental visual impact on the site or the historic character of the surrounding St Andrews Conservation Area. The FPRB also considered that a condition regarding finishing materials could be attached to any potential decision for approval.

3.3. The FPRB considered the road safety implications of the proposal and noted the objection raised in the consultation response from Fife Council’s Transportation Development Management team (TDM). The FPRB noted that TDM considered that the integral garage was the off-street car parking space for the flatted property. They noted that TDM further considered that any loss of the current off-street parking provision within the forecourt or, within the integral garages, would have a detrimental knock on effect to the overall off-street parking provision for these dwellings and would encourage further on-street parking.

3.4 The FPRB also considered the submission from the applicant which stated that the integral garage did not meet the current required minimum dimensions for a parking space as contained within Fife Council’s current parking standards within Making Fife’s Places SG with the existing garage measuring approximately 4.75 metres x 2.43 metres as opposed to the recommended minimum internal dimensions of 7 metres x 3 metres. They also noted the diagrams submitted by the applicant which showed two different cars (Renault Kadjar and Volkswagen Up) parked in the existing garage and illustrated that the doors of these vehicles could not be fully opened when parked in the garage. The FPRB also noted the commentary that the garage had not historically been used as a parking space with it being historically used as a storage area for the flatted dwelling.

3.5 The FPRB determined that, as the garage did not meet the current minimum parking space dimensions as set out in Fife Council's Parking Standards and as the existing garage had not historically been used as a parking space, that the loss of this parking space would have no significant detrimental impact on road safety in terms of the existing off-street parking spaces within the forecourt area or on-street parking on Argyle Street. The FPRB concluded that currently the applicant was using an on-street or forecourt space and the conversion to a room would not alter that existing situation or create a road safety issue that did not currently exist. The FPRB, therefore, concluded that the proposal would comply with Policies 1 and 3 of the Adopted FIFEplan as it would not cause any detrimental road safety issues.

3.6 The FPRB concluded that the development would have no significant detrimental impact in terms of the matters (Visual Impact and Road Safety) addressed by the Report of Handling and that the proposal would comply with the Development Plan. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB did not consider there to be any grounds to refuse the application and reversed the decision of the Appointed Officer.

4.0 Decision

4.1 The FPRB therefore reverses the decision of the Appointed Officer and approves Planning Permission subject to the following condition and reason:

- 1) BEFORE ANY WORKS START ON SITE; details of the specification and colour of the proposed external finishes shall be submitted to Fife Council as planning authority for written approval. No works shall commence until written approval is given by Fife Council as planning authority. The development shall, thereafter, be carried out in accordance with any approved details.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the building and the surrounding St Andrews Conservation Area.

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Proper Officer

Advisory notes

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

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

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

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

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

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

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

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