

FPRB Reference 20/338

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: 142 High Street, Leslie, Glenrothes, Fife
- Application for review by Mr Sean Steele against the decision by an appointed officer of Fife Council
- Application 20/00085/FULL for Full Planning Permission for Change of use of ancillary annexe building to form self contained dwellinghouse
- Application Drawings:  
01 - Location Plan/Block Plan, 03 - Proposed various - elevation, floor etc, 04 - Proposed various - elevation, floor etc,
- No Site Inspection took place.

Date of Decision Notice: 12th November, 2020.

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### Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reason 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 full planning permission was considered by the FPRB at its meeting on 26 October 2020. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Graeme Ritchie and Rosemary Liewald.

#### 2.0 Proposal

- 2.1 The application site relates to part of a rear garden of a first floor flat which is situated on High Street, Leslie. The rear garden is situated behind rows of terraced properties and is not visible from the public road (High Street). The site borders a number of other gardens associated with the properties on High Street. The existing site contains an ancillary building which is also subject of the application. This building is around 35m from the south elevation of the flat.

- 2.2 The proposal is to change the use of the ancillary building to a detached dwellinghouse. The proposal does not include any external alterations.

### **3.0 Reasoning**

- 3.1 The determining issues in this review were road safety and residential amenity. The FPRB considered the terms of the Development Plan which comprises the SESPlan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017 ("Adopted Local Development Plan"). The FPRB also considered Making Fife's Places Supplementary Guidance (2018) and the associated Transportation Guidelines Appendix; Fife Council's Planning Customer Guidelines on Garden Grounds and Minimum Distances between Window Openings.
- 3.2 The FPRB considered the principle of development and concluded that as the development was in the settlement boundary and was for residential development within a residential area, the development was in accordance with Policy 1 of the Adopted FIFEplan (2017) in principle.
- 3.3 The FPRB considered the potential impact of the development on existing residential amenity and considered the residential amenity of the future residents. The FPRB considered that the development would have no detrimental impact in terms of loss of sunlight, daylight and privacy. The FPRB also concluded that the future residents would have a suitable level of private garden ground and residential amenity generally. The FPRB considered the development to comply with the Adopted FIFEplan and relevant Customer Guidelines in this regard.
- 3.4 The FPRB considered the road safety and road infrastructure implications of the proposal. They noted the objection from Transportation Development Management and that the proposal did not include any dedicated off-street parking. The FPRB considered the justification provided by the appellant including the ability for the residents to use a public car park nearby. The FPRB did not consider this to be suitable as available car parking could not be guaranteed and spaces could not be dedicated for residents. The FPRB considered that this development would lead to additional on street parking demands which would have a detrimental impact on the High Street businesses with the available parking being reduced. They considered there to be limited parking available at present and this would exacerbate the situation to the detriment of road safety. The FPRB considered the proposal to be contrary Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance and therefore unacceptable in this regard.
- 3.5 The FPRB did not consider there to be any other matters which would require assessment and concluded that the supporting information within the Notice of Review did not raise any material considerations which would warrant approval of the application. The FPRB therefore agreed with the assessment and reasons for refusal by the Appointed Officer.

### **4.0 Reason for Refusal**

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

- (1) In the interests of pedestrian and road safety; the proposed development requires two off-street parking spaces in terms of Fife Council's Transportation Development Guidelines, which spaces cannot provided on site. Approval of planning permission would encourage additional on-street parking which would exacerbate existing on-street parking and manoeuvring difficulties in the area, contrary to road safety and transportation infrastructure provisions of Part B of Policy 1: Development Principles and Policy 3: Infrastructure and Services of the adopted FIFEplan Fife Local Plan (2017) and Making Fife's Place's Supplementary Guidance (2018).

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Proper Officer

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

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

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

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

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

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.