

FPRB Reference. 20/344

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: 60 Bellyeoman Road, Dunfermline, Fife, KY12 0BB
- Application for review by Mrs Sarah Wauchop against the decision by an appointed officer of Fife Council
- Application 20/00940/FULL for Full Planning Permission for Erection of fence and gate to front and side of dwellinghouse
- Application Drawings:  
01 - Location Plan, 02 - Block Plan, 03 - Elevations existing and proposed, 04 - Elevations existing and proposed, 05 - Photographs, 06 - Photographs, 07 - Photographs, 08 - Supporting Statement, 09 - Fence Details,
- No Site Inspection took place.

Date of Decision Notice: 14th December, 2020.

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### 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 full planning permission was considered by the FPRB at its meeting on 30 November 2020. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Mino Manekshaw, Rosemary Liewald and Ross Paterson.

#### 2.0 Proposal

- 2.1 The proposal relates to the front garden of a two storey detached dwellinghouse, located on Bellyeoman Road, Dunfermline. Across Bellyeoman Road to the south is a high stone wall, and beyond is Dunfermline Cemetery. The dwellinghouse sits above the road and is enclosed by a low brick wall, with soft landscaping within the front garden. To the east side of the property is an area of green space, with the low boundary wall continuing along part of the eastern boundary, and a 1.8m high fence further to the rear of the eastern boundary.

2.2 The submitted application proposes the erection of a fence and gate to the front and eastern boundary, to replace the existing low brick wall and metal gate. The fence would be timber and would measure 1.8m high, extending along the entire frontage of the dwellinghouse.

### **3.0 Reasoning**

3.1 The determining issues in this review were the visual impact of the development 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 the Making Fife’s Places Supplementary Guidance (2018).

3.2 The FPRB considered the size, position, design and visual appearance of the fence, relative to the streetscape. They noted that the fence would obscure most of the frontage of the dwellinghouse when viewed from the road, and would be highly visible from the streetscene. They considered that the fence would detrimentally impact on the active frontage of the street and would set an undesirable precedent. The FPRB considered the reasoning and justification provided by the applicant. In this regard, they noted the property further east of the site, at 1 Beck Crescent, which has a fence along the frontage facing Bellyeoman Road. They considered that the dwellinghouse subject to this review was in a different situation to the property at 1 Beck Crescent, in that the proposed fence would cover the majority of the frontage of the dwellinghouse in this instance, which is not the case at 1 Beck Crescent. Additionally, the dwellinghouse subject to the review contains a private rear garden to the north which can be used while the rear garden at 1 Beck Crescent was in full public view. The FPRB therefore concluded that the applicant did not have the same justification and, even then, the detrimental impact on the visual amenity of the streetscape would outweigh that consideration in this instance. The FPRB concluded that the fence in this application would obscure the windows and house frontage and this would be detrimental to the streetscape and this also was not the case at 1 Beck Crescent. The FPRB considered the supporting information within the Notice of Review but this was not sufficient to persuade the FPRB that the application should be approved. FPRB considered the proposal on its own merits and concluded that the wall/fence would have a significant detrimental impact on visual amenity and would be contrary to Policies 1 and 10 of the Adopted FIFEplan (2017).

3.3 The FPRB considered other potential impacts of the proposals from the development such as the impact of the proposals on residential amenity against Policies 1 and 10 of the Adopted FIFEplan (2017). They noted that the fence could potentially reduce light into the house and front garden. However they did not feel that this would be significant enough to be a reason for refusal. The FPRB also considered whether there would be any road safety or transportation issues against FIFEplan (2017) Policies 1 and 3 and Appendix G of Making Fifes Places Supplementary Guidance (2018) and concluded that there would not be any significant issues in this regard.

3.4 The FPRB did not consider there were any other matters or material considerations which would warrant approval of the application and decided to refuse the application for the same reason as the Appointed Officer.

#### **4.0 Reason for Refusal**

4.1 The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reasons below:

In the interests of visual amenity: the proposed fencing and gate due to their height and positioning on a public elevation to the front of the dwellinghouse would obscure the ground floor elevation of the dwellinghouse reducing its active frontage onto Bellyeoman Road to the detriment of the visual amenity of the surrounding streetscene. Furthermore, the fence and gate would be at odds with the character of the surrounding area which for properties fronting onto Bellyeoman Road is characterised by front curtilages enclosed by low stone walls. The proposal is therefore contrary to Policies 1 and 10 of the adopted FIFEplan (2017).

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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.