

## North East Planning Committee

Due to Scottish Government guidance relating to COVID-19, this meeting will be held remotely.



Wednesday, 22nd September, 2021 - 1.30 p.m.

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### 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 25th August, 2021. 3
4. **20/02239/FULL - CARPHIN HOUSE, LUTHRIE, CUPAR** 4 – 11  
Formation of replacement hardstanding to existing courtyard (retrospective).
5. **21/00450/LBC - CARPHIN HOUSE, LUTHRIE, CUPAR** 12 – 18  
Listed building consent for formation of replacement hardstanding to existing courtyard (in retrospect).
6. **20/02099/FULL - EAST GRANGE FARMHOUSE, GRANGE, ST ANDREWS** 19 – 25  
Erection of first floor extension of domestic garage to form self-contained accommodation.
7. **21/01832/FULL - TROMIE SHORE STREET, CELLARDYKE** 26 – 37  
Erection of domestic garage with first floor habitable accommodation and erection of timber gates.
8. **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 9th August to 4th September, 2021.

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.**

Lindsay Thomson  
Head of Legal & Democratic Services  
Finance and Corporate Services

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

15th September, 2021

If telephoning, please ask for:  
Elizabeth Mair, Committee Officer, Fife House  
Telephone: 03451 555555, ext. 442304; email: [Elizabeth.Mair@fife.gov.uk](mailto:Elizabeth.Mair@fife.gov.uk)

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**THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING**

**25th August, 2021**

**1.30 p.m. – 2.30 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, Dominic Nolan, Jonny Tepp, Brian Thomson and Ann Verner.

**ATTENDING:** Alastair Hamilton, Service Manager - Development Management; Bryan Reid, Planner - Development Management (North Section), Economy, Planning & Employability Services; Steven Paterson, Solicitor; and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Margaret Kennedy and Bill Porteous.

**293. DECLARATIONS OF INTEREST**

No declarations of interest were submitted in terms of Standing Order No. 7.1.

**294. MINUTE**

The Committee considered the minute of the North East Planning Committee of 28th July, 2021.

**Decision**

The Committee agreed to approve the minute.

**295. 21/00178/FULL - LAND AT SPRINGFIELD EAST FARM, MAIN STREET, SPRINGFIELD**

The Committee considered a report by the Head of Planning relating to an application for the erection of 30 affordable dwellings with associated access, landscaping, SUDS and other associated infrastructure (demolition of agricultural buildings).

**Decision**

The Committee agreed to approve the application subject to the 24 conditions and for the reasons detailed in the report.

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

**Decision**

The Committee noted the lists of applications dealt with under delegated powers for the period 12th July to 8th August, 2021.

**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02239/FULL**

**SITE ADDRESS: CARPHIN HOUSE LUTHRIE CUPAR**

**PROPOSAL: FORMATION OF REPLACEMENT SURFACE TO EXISTING COURTYARD (RETROSPECTIVE)**

**APPLICANT: MR THOMAS MACALLAN  
7 WARWICKSHIRE DRIVE BELMONT DURHAM**

**WARD NO: W5R16  
Howe Of Fife And Tay Coast**

**CASE OFFICER: Kristie Hung**

**DATE 07/01/2021**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five representations have been submitted which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional 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 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## 1.0 BACKGROUND

1.1 The application site is the courtyard area immediately to the rear of the Category C-Listed Carphin House which is a large 3-storey residential property located in the countryside west of the village of Luthrie. Carphin House was constructed around the turn of the 18th and 19th century, with harled walls and a slate roof. The house exhibits gothic details to the staircase windows and a number of later additions to the building are evident. To the rear of the main dwellinghouse, (the façade of which features the gothic-style windows), lies the courtyard area to which this application relates which is enclosed by outbuildings and extensions of 1-2 storeys (traditional in appearance, with white harling and multi-pitched grey slate roofs), and an encircling stone wall also of traditional appearance. The wider site boundary encompasses a section of tree-lined private driveway along with areas of land around the house as well as a section of land approximately 120m south-east of the house. These areas of land are covered in a mixture of hardstanding and grass. Access to the site from Luthrie is via a long single track private road that is partly a designated Core Path and established Right of Way. The site and surrounding area is within the Tay-Coast Local Landscape Area.

1.2 Retrospective planning permission is sought for the replacement of the surfacing material of the existing rear courtyard. The courtyard was previously finished in random stone paving (the surface is not considered to have been “cobbled” as noted in a number of objections as is evident in the pictures submitted with the proposal) which were in place at the time of listing however there are no references as to when they were installed. The previous stone paving has been replaced with concrete paving with a branded colour of “Misty Grey” which measures 600mm x 600mm x 32mm. These are shaped into three different sizes and installed on a mortar consisting of a general-purpose mix. An upstand has also been installed along the west elevation of the courtyard. The applicant stated that these were installed so that the finish from the new slabs would be flush with the wall and used to cover the gap between the wall and slabs. A box-like structure clad in flag stone tiles has been installed to the north west corner of the courtyard. The applicant claims this was placed there as a seat so that the old seats could be removed from the courtyard. It is not immediately obvious how this structure functions as claimed however that is the reason the applicant has provided to the planning service. The drainage within the courtyard area has also been connected into the existing rainwater system to the rear of the building before flowing away via a designated soakaway.

1.3 Recent planning history for the site include:

- Planning permission and listed building consent were granted for the conversion of stables within the grounds of Carphin House to residential accommodation under 17/00304/LBC and 17/01290/FULL in 2017.
- An application for the erection of a wedding venue within the grounds to the south west of this site was refused by North East Planning Committee in April 2018 and the subsequent appeal to Scottish Ministers was dismissed.
- Subsequent to this a certificate of lawfulness in relation to the use of the grounds as a commercial wedding venue for up to 28 days in any calendar year under 18/01868/CLP was refused on 30/08/2018 and again the appeal was dismissed.
- Following the Council decision to refuse 18/01868/CLP an enforcement notice was issued requiring the cessation of the use of the house and curtilage as a commercial wedding venue. The enforcement notice was appealed, and the appeal was dismissed by Scottish Minister. The enforcement notice therefore remains in force.
- On 31 August an application for an outbuilding within the grounds of Carphin House was refused under 18/01748/FULL. An enforcement notice followed requiring the removal of the concrete platform that had been constructed. Appeals were lodged against both decisions and

planning permission for the outbuilding was granted by Scottish Ministers. In relation to the enforcement notice, the Reporter dismissed the appeal but allowed 12 months for the re-commencement of construction of the outbuilding. Should works not start within this period the notice would require the removal of the concrete base that has been formed.

- An application for alterations and single storey extension to rear of dwellinghouse (18/03311/FULL), accompanied by an application for listed building consent (18/03313/LBC) was recommended to committee for refusal but was withdrawn on 15/08/19. This application was for a large single storey extension to the rear of the property with a floor-area of approximately 100sqm, effectively roofing over the entire rear open courtyard.

- An application for the erection of extension to the rear was submitted (19/02733/LBC) and was refused on 12.02.2020.

1.4 A physical site visit has not been undertaken in relation to this proposal. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The property can also be viewed on Google Maps and the agent has submitted numerous photographs of the courtyard, garden and associated buildings.

## 2.0 PLANNING ASSESSMENT

2.1 The issue to be assessed against the Local Development Plan and other guidance is as follows:-

- Impact on the Setting of the Listed Building and Design and Visual Impact

2.2 Impact on the Setting of the Listed Building and Design and Visual Impact

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which would affect a listed building shall be appropriate to both the character and appearance of the building or area and its setting. Historic Environment Scotland Policy Statement 2019 also encourages sensitive change to listed buildings which retains their special interest. Managing Change in the Historic Environment - Setting (2016) states that development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets.

2.2.2 Policies 1, 10 and 14 of the Adopted FIFEplan 2017 apply. Policy 14 states that development will not be supported where it is considered to harm or damage a Listed Building or its setting, including structures or features of special architectural or historic interest.

2.2.3 A number of representations have been received objecting to the proposal and expressed concerns that the proposal is inappropriate and would adversely impact on the character of the listed building. Other concerns are listed below:

- No details of the materials and method used to resurface courtyard;
- Modern paving not in keeping with character of listed building as a recent reporter's report stated the rear of the building was the best conserved feature of the building;
- New paving does not improve disabled access as new steps were put in;
- Work was not carried out before April 2018 as stated in the application form but in summer 2018.

2.2.4 Fife Council's Built Heritage Team have been consulted and have recommended refusal on the basis that additional information is required. The Built Heritage officer stated that the original courtyard surface treatment is not known nor whether any original historic fabric remains or was removed during the resurfacing work. The design and materials used should protect and enhance the heritage significance. The officer requested that the details of the construction, design and materials used to be provided and it should be confirmed that there is no archaeological impact. It should be noted in this context that the application is retrospective.

2.2.5 The applicant has confirmed the colour of the slabs and materials which are stated in section 1.2. A number of objections mentioned that the Architectural Heritage Society of Scotland noted in a previous planning application that the original random stone paving was around 230 years old. The applicant has advised that these are not original to the building and was formed of a variety of different stones and waste, hence their previous contention that the previous surface was uneven and unsafe. The applicant advises it was for this reason that they decided to remove these in 2018 on the grounds of health and safety. The applicant confirmed to the planning service the original random stone paving have been taken to the landfill by the contractor. A number of objections take issue that the applicant claims the work was done in 2017. The supporting information does not state this, it clarifies the design work was done in 2017 and the work completed in 2018.

2.2.6 It is noted that the original appearance of the building is almost completely preserved to the rear where the resurfacing has been undertaken, as the works primarily only relate to the ground finish not the main building itself. As such any new development in this area must be assessed to ensure that it does not adversely impact on the setting of the listed building or on any existing historic fabric. While the proposed paving is a modern surface and presents a different appearance to the previous random stone paved surface; the style and colour of the replacement paving is considered nevertheless to be in keeping with the character and appearance of the category C listed building. It does have a bright new finish at present however this will weather in due course and in context is on balance appropriate in the context of the courtyard.

2.2.7 It is unfortunate that the random stone paving was removed without consent. The options in the consideration of this application are essentially whether the proposed concrete paving is acceptable relative to the appropriateness of the design, finish and material in the context of the setting of the C listed building; or whether the new surface is so unacceptable in appearance in that context that the retrospective application should be refused and enforcement powers sought to seek a replacement surface to match as closely as possible the previous random stone surface of the courtyard, given that the applicant advises the original paving has been disposed of.

2.2.8 In terms of the concrete paving, these have been laid for the most part off-set from the main walls. However, the upstand and "seat" structure installed to the western elevation would be attached to the walls of the existing boundary and outbuildings which would create an impact on the special architectural and historic importance of the listed building. When considering the balance between restorative works and proportionality of replacement to relative harm of the listed building, the colour and material proposed for the concrete paving would visually complement the listed building, would not cause detrimental harm to the listed building and would retain important features of the property's setting. It is considered that there would be no adverse impacts on the setting of the listed building to justify refusal and restoration of the original surface material. In this instance, it is considered that, on balance, the loss of the random stone paving to the rear courtyard, while regrettable, is acceptable.

2.2.9 The issue of disabled access relates to Building Standards regulations and therefore would not form part of this assessment. The property is considered to be a domestic building within the terms of Class 9 of the Use Classes Order and other than the preference of the applicant no specific overriding need in the context of disabled access and health and safety issues have been promoted by the applicant to further justify the replacement of the original surface.

2.2.10 Taking all of the above into account, on balance it is considered that the proposal, although a contemporary replacement the proposed surface is appropriate and would not detrimentally affect the architectural and visual quality of the original property. The design and materials are in keeping with the character and appearance of the Category C Listed Building which is compatible with the relevant policies in the Local Development Plan and guidelines.

## **CONSULTATIONS**

Built Heritage, Planning Services

Objected to the proposal and this has been addressed in the main body of the report.

## **REPRESENTATIONS**

13 objection comments have been submitted and the material objections raised are listed below. All material planning considerations have been addressed in the main body of the report:

- No details of the materials and method used to resurface courtyard, lack of information. The applicant has subsequently submitted the materials used and this has been addressed in para 1.2;
- Modern paving not keeping with character of listed building as a recent reporter's report stated the rear of the building was the best conserved feature of the building, therefore the cobblestones should be reinstated, this has been addressed in para 2.2.5 to 2.2.8;
- New paving does not improve disabled access as new steps were put in, this has been addressed in para 2.2.9; and
- Work was not carried out before April 2018 as stated in the application form but in summer 2018 in preparation for the erection of marque to host unauthorised weddings, this has been addressed in para 2.2.5.

## **CONCLUSIONS**

The proposal for the replacement surface to courtyard, while regrettable, is considered to be acceptable on balance in meeting the terms of National Legislation, the Development Plan and relevant Fife Council Planning Customer Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the listed building and is therefore considered to be acceptable.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally



## **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

Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Historic Environment Scotland Policy Statement May 2019  
Managing Change in the Historic Environment - Setting (2016)

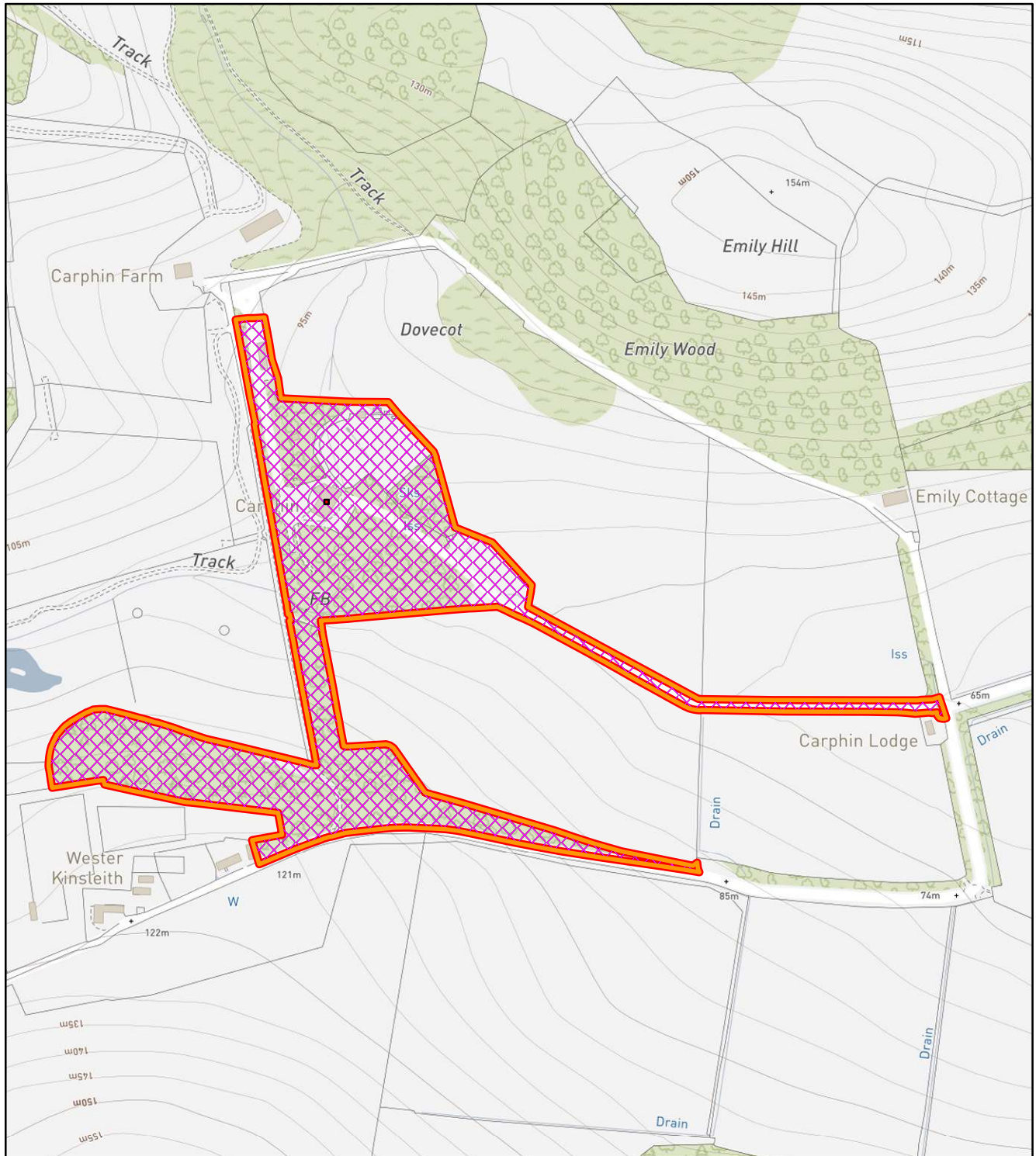
### Development Plan

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

Report prepared by Kristie Hung, Case Officer and Planning Assistant

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 9/9/21.

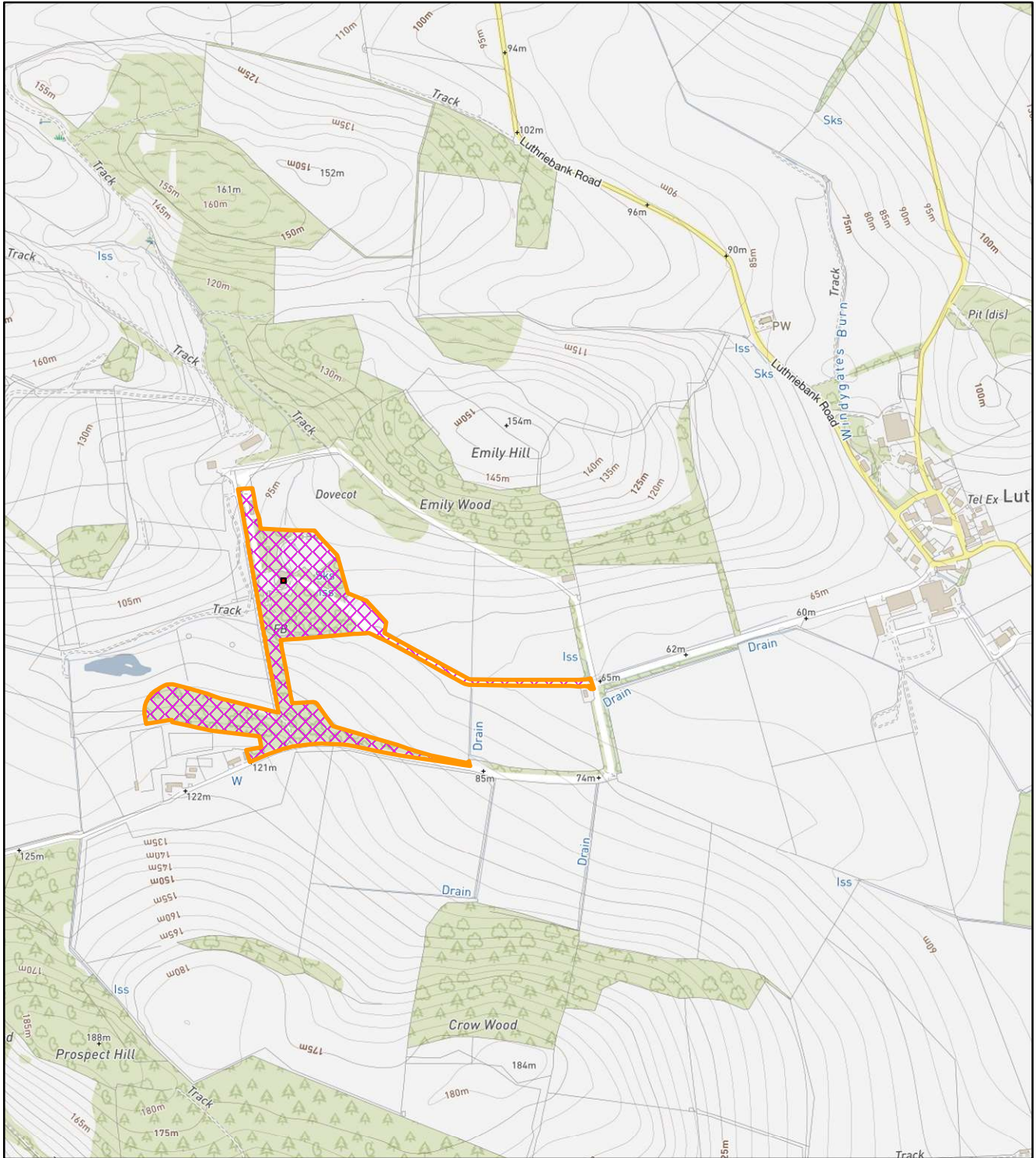
Date Printed 10/09/2021



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<b>Legend</b>			
	<b>Application Boundary</b>		

## Carphin House Luthrie Cupar



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<b>Legend</b>			
	<b>Application Boundary</b>		

**ITEM NO: 5**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/00450/LBC**

**SITE ADDRESS: CARPHIN HOUSE LUTHRIE CUPAR**

**PROPOSAL: LISTED BUILDING CONSENT FOR FORMATION OF REPLACEMENT SURFACE TO EXISTING COURTYARD (IN RETROSPECT)**

**APPLICANT: MR THOMAS MACALLAN  
7 WARWICKSHIRE DRIVE BELMONT DURHAM**

**WARD NO: W5R16  
Howe Of Fife And Tay Coast**

**CASE OFFICER: Kristie Hung**

**DATE 01/04/2021**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five representations have been submitted which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.



## 1.0 BACKGROUND

1.1 The application site is the courtyard area immediately to the rear of the Category C-Listed Carphin House which is a large 3-storey residential property located in the countryside west of the village of Luthrie. Carphin House was constructed around the turn of the 18th and 19th century, with harled walls and a slate roof. The house exhibits gothic details to the staircase windows and a number of later additions to the building are evident. To the rear of the main dwellinghouse, (the façade of which features the gothic-style windows), lies the courtyard area to which this application relates which is enclosed by outbuildings and extensions of 1-2 storeys (traditional in appearance, with white harling and multi-pitched grey slate roofs), and an encircling stone wall also of traditional appearance. The wider site boundary encompasses a section of tree-lined private driveway along with areas of land around the house as well as a section of land approximately 120m south-east of the house. These areas of land are covered in a mixture of hardstanding and grass. Access to the site from Luthrie is via a long single track private road that is partly a designated Core Path and established Right of Way. The site and surrounding area is within the Tay-Coast Local Landscape Area.

1.2 Listed building consent is sought for the replacement of the surfacing material of the existing rear courtyard (work complete). The courtyard was previously finished in random stone paving (the surface is not considered to have been “cobbled” as noted in a number of objections as is evident in the pictures submitted with the proposal) which were in place at the time of listing however there are no references as to when they were installed. The previous stone paving has been replaced with concrete paving with a branded colour of “Misty Grey” which measures 600mm x 600mm x 32mm. These are shaped into three different sizes and installed on a mortar consisting of a general-purpose mix. An upstand has also been installed along the west elevation of the courtyard. The applicant stated that these were installed so that the finish from the new slabs would be flush with the wall and used to cover the gap between the wall and slabs. A box-like structure clad in flag stone tiles has been installed to the north west corner of the courtyard. The applicant claims this was placed there as a seat so that the old seats could be removed from the courtyard. It is not immediately obvious how this structure functions as claimed however that is the reason the applicant has provided to the planning service. The drainage within the courtyard area has also been connected into the existing rainwater system to the rear of the building before flowing away via a designated soakaway.

1.3 Recent planning history for the site include:

- Planning permission and listed building consent were granted for the conversion of stables within the grounds of Carphin House to residential accommodation under 17/00304/LBC and 17/01290/FULL in 2017.
- An application for the erection of a wedding venue within the grounds to the south west of this site was refused by North East Planning Committee in April 2018 and the subsequent appeal to Scottish Ministers was dismissed.
- Subsequent to this a certificate of lawfulness in relation to the use of the grounds as a commercial wedding venue for up to 28 days in any calendar year under 18/01868/CLP was refused on 30/08/2018 and again the appeal was dismissed.
- Following the Council decision to refuse 18/01868/CLP an enforcement notice was issued requiring the cessation of the use of the house and curtilage as a commercial wedding venue. The enforcement notice was appealed, and the appeal was dismissed by Scottish Minister. The enforcement notice therefore remains in force.
- On 31 August an application for an outbuilding within the grounds of Carphin House was refused under 18/01748/FULL. An enforcement notice followed requiring the removal of the concrete platform that had been constructed. Appeals were lodged against both decisions and

planning permission for the outbuilding was granted by Scottish Ministers. In relation to the enforcement notice, the Reporter dismissed the appeal but allowed 12 months for the re-commencement of construction of the outbuilding. Should works not start within this period the notice would require the removal of the concrete base that has been formed.

- An application for alterations and single storey extension to rear of dwellinghouse (18/03311/FULL), accompanied by an application for listed building consent (18/03313/LBC) was recommended to committee for refusal but was withdrawn on 15/08/19. This application was for a large single storey extension to the rear of the property with a floor-area of approximately 100sqm, effectively roofing over the entire rear open courtyard.

- An application for the erection of extension to the rear was submitted (19/02733/LBC) and was refused on 12.02.2020.

1.4 A physical site visit has not been undertaken in relation to this proposal. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The property can also be viewed on Google Maps and the agent has submitted numerous photographs of the courtyard, garden and associated buildings.

## 2.0 PLANNING ASSESSMENT

2.1 The issue to be assessed against the Local Development Plan and other guidance is as follows:-

- Impact on the Setting of the Listed Building and Design and Visual Impact

### 2.2 Impact on the Setting of the Listed Building and Design and Visual Impact

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which would affect a listed building shall be appropriate to both the character and appearance of the building or area and its setting. Historic Environment Scotland Policy Statement 2019 also encourages sensitive change to listed buildings which retains their special interest. Managing Change in the Historic Environment - Setting (2016) states that development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets.

2.2.2 Policies 1, 10 and 14 of the Adopted FIFEplan 2017 apply. Policy 14 states that development will not be supported where it is considered to harm or damage a Listed Building or its setting, including structures or features of special architectural or historic interest.

2.2.3 A number of representations have been received objecting to the proposal and expressed concerns that the proposal is inappropriate and would adversely impact on the character of the listed building. Other concerns are listed below:

- No details of the materials and method used to resurface courtyard;
- Modern paving not in keeping with character of listed building as a recent reporter's report stated the rear of the building was the best conserved feature of the building;
- New paving does not improve disabled access as new steps were put in;
- Work was not carried out before April 2018 as stated in the application form but in summer 2018.

2.2.4 Fife Council's Built Heritage Team have been consulted and have recommended refusal on the basis that additional information is required. The Built Heritage officer stated that the original courtyard surface treatment is not known nor whether any original historic fabric remains or was removed during the resurfacing work. The design and materials used should protect and enhance the heritage significance. The officer requested that the details of the construction, design and materials used to be provided and it should be confirmed that there is no archaeological impact. It should be noted in this context that the application is retrospective.

2.2.5 The applicant has confirmed the colour of the slabs and materials which are stated in section 1.2. A number of objections mentioned that the Architectural Heritage Society of Scotland noted in a previous planning application that the original random stone paving was around 230 years old. The applicant has advised that these are not original to the building and was formed of a variety of different stones and waste, hence their previous contention that the previous surface was uneven and unsafe. The applicant advises it was for this reason that they decided to remove these in 2018 on the grounds of health and safety. The applicant confirmed to the planning service the original random stone paving have been taken to the landfill by the contractor. A number of objections take issue that the applicant claims the work was done in 2017. The supporting information does not state this, it clarifies the design work was done in 2017 and the work completed in 2018.

2.2.6 It is noted that the original appearance of the building is almost completely preserved to the rear where the resurfacing has been undertaken, as the works primarily only relate to the ground finish not the main building itself. As such any new development in this area must be assessed to ensure that it does not adversely impact on the setting of the listed building or on any existing historic fabric. While the proposed paving is a modern surface and presents a different appearance to the previous random stone paved surface; the style and colour of the replacement paving is considered nevertheless to be in keeping with the character and appearance of the category C listed building. It does have a bright new finish at present however this will weather in due course and in context is on balance appropriate in the context of the courtyard.

2.2.7 It is unfortunate that the random stone paving was removed without consent. The options in the consideration of this application are essentially whether the proposed concrete paving is acceptable relative to the appropriateness of the design, finish and material in the context of the setting of the C listed building; or whether the new surface is so unacceptable in appearance in that context that the retrospective application should be refused and enforcement powers sought to seek a replacement surface to match as closely as possible the previous random stone surface of the courtyard, given that the applicant advises the original paving has been disposed of.

2.2.8 In terms of the concrete paving, these have been laid for the most part off-set from the main walls. However, the upstand and "seat" structure installed to the western elevation would be attached to the walls of the existing boundary and outbuildings which would create an impact on the special architectural and historic importance of the listed building. When considering the balance between restorative works and proportionality of replacement to relative harm of the listed building, the colour and material proposed for the concrete paving would visually complement the listed building, would not cause detrimental harm to the listed building and would retain important features of the property's setting. It is considered that there would be no adverse impacts on the setting of the listed building to justify refusal and restoration of the original surface material. In this instance, it is considered that, on balance, the loss of the random stone paving to the rear courtyard, while regrettable, is acceptable.

2.2.9 The issue of disabled access relates to Building Standards regulations and therefore would not form part of this assessment. The property is considered to be a domestic building within the terms of Class 9 of the Use Classes Order and other than the preference of the applicant no specific overriding need in the context of disabled access and health and safety issues have been promoted by the applicant to further justify the replacement of the original surface.

2.2.10 Taking all of the above into account, on balance it is considered that the proposal, although a contemporary replacement the proposed surface is appropriate and would not detrimentally affect the architectural and visual quality of the original property. The design and materials are in keeping with the character and appearance of the Category C Listed Building which is compatible with the relevant policies in the Local Development Plan and guidelines.

## **CONSULTATIONS**

Built Heritage, Planning Services

No Comments (Comments on the application were provided in the associated planning application)

## **REPRESENTATIONS**

12 objection comments have been submitted and are listed below. All material planning considerations have been addressed in the main body of the report:

- No details of the materials and method used to resurface courtyard, lack of information. The applicant has subsequently submitted the materials used and this has been addressed in para 1.2;
- Modern paving not keeping with character of listed building as a recent reporter's report stated the rear of the building was the best conserved feature of the building, therefore the cobblestones should be reinstated, this has been addressed in para 2.2.5 to 2.2.8;
- New paving does not improve disabled access as new steps were put in, this has been addressed in para 2.2.9; and
- Work was not carried out before April 2018 as stated in the application form but in summer 2018 in preparation for the erection of marque to host unauthorised weddings, this has been addressed in para 2.2.5.

## **CONCLUSIONS**

The proposal for the replacement surface to courtyard, while regrettable, is considered to be acceptable on balance in meeting the terms of National Legislation, the Development Plan and relevant Fife Council Planning Customer Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the listed building and is therefore considered to be acceptable.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally



## **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

Sections 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Policy Statement May 2019

### Development Plan

Adopted FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

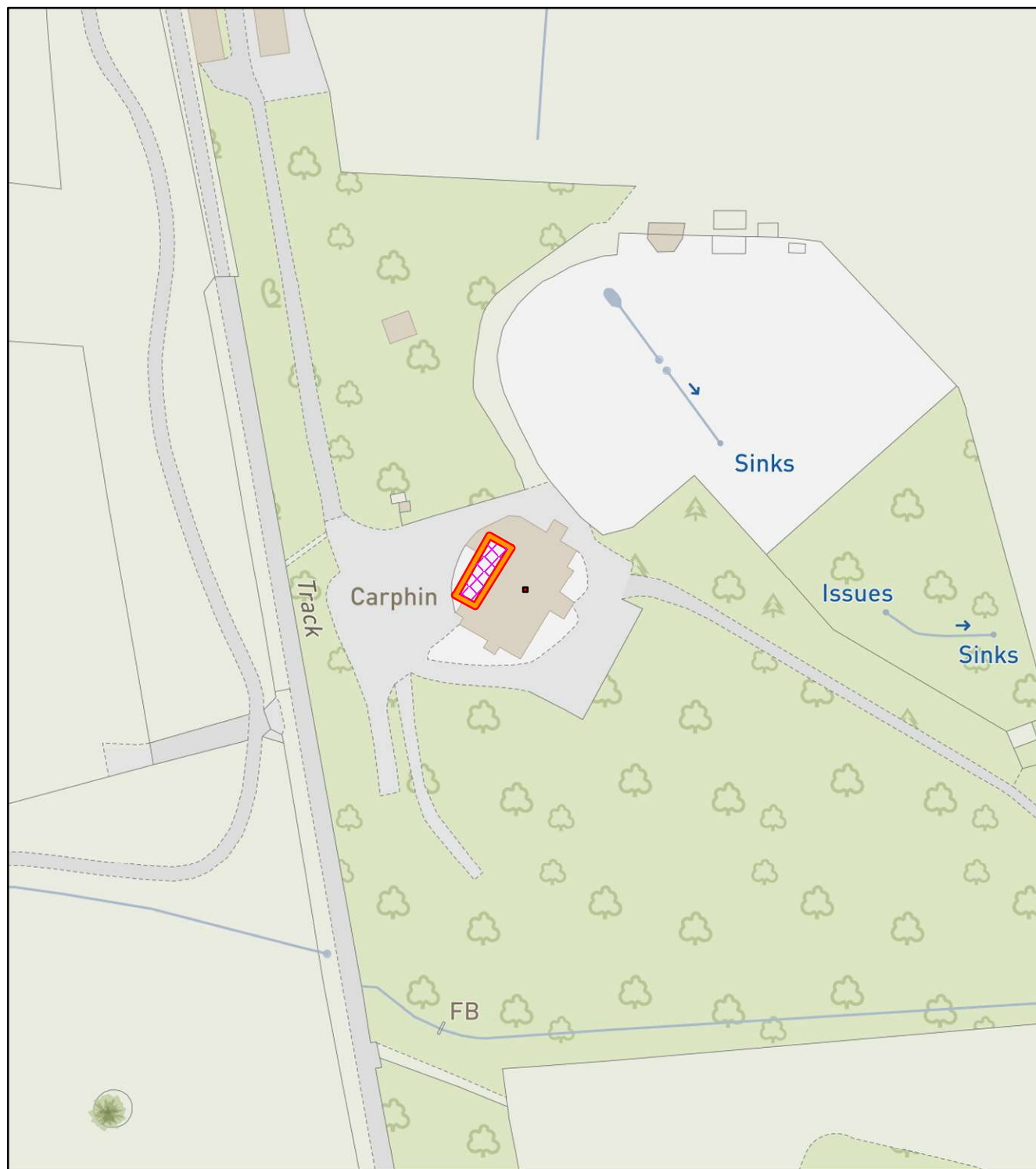
Report prepared by Kristie Hung, Case Officer and Planning Assistant

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 9/9/21

Date Printed 10/09/2021

# 21/00450/LBC

## Carphin House Luthrie Cupar



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### Legend

 Application Boundary

0 5 10 20 30 m



Economy, Planning & Employability Services

**ITEM NO: 6**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02099/FULL**

**SITE ADDRESS: EAST GRANGE FARMHOUSE GRANGE ST ANDREWS**

**PROPOSAL: ERECTION OF FIRST FLOOR EXTENSION OF DOMESTIC GARAGE TO FORM SELF-CONTAINED ACCOMMODATION**

**APPLICANT: MR TONY EDWARDS  
EAST GRANGE FARMHOUSE GRANGE ST ANDREWS**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 18/11/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There are more than 5 representations in support contrary to officers' recommendation

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**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.

## 1.0 BACKGROUND

1.1 The application site relates to the garage and garden area associated with East Grange Farmhouse located 0.75km to the south of St Andrews. As per FIFEplan Local Development Plan (2017), the application site is designated as being within the greenbelt of St Andrews. There is no policy designation associated with the site. The site is not within a Conservation Area, nor are there any listed buildings nearby. To the north of the site is East Grange Farmhouse which the garage is associated with. To the east and south is rolling farmland, while to the west is Grange Road where the site is accessed from. The site is bounded by mature planting.

1.2 This application is for the erection of a first floor extension to an existing domestic garage to form self-contained accommodation. The proposed first floor extension is proposed to be finished with larch timber cladding to the walls, with standing seam aluminium roof sheeting with synthetic slate grey roof slates. The windows would be single pane and glazed doors are to be aluminium/timber composite with the rooflights to be aluminium framed. The ground floor finishes are not proposed to change

1.3 The recent planning history to this site is as follows:

04/00771/EFULL - Extension to dwellinghouse - approved 23/03/2004

04/02667/EFULL - East and west extensions to dwellinghouse - approved 31/08/2004

## 2.0 ASSESSMENT

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

- Principle of Development:
- Design/Visual Impact on Greenbelt
- Residential Amenity
- Road Safety

2.2 Principle of Development: Impact on Greenbelt

2.2.1 As discussed, the application site is located outwith the settlement boundary of St Andrews and is thus deemed to be countryside land, while it is also located within the established greenbelt of St Andrews, as per FIFEplan (2017). As a result of the greenbelt setting, further consideration must be given to the principle of development for the proposal. Scottish Planning Policy (2014) and Policies 1, 7, 8 and 9 of the Adopted FIFEplan Local Development Plan (2017), apply with regards to the principle of development for this proposal.

2.2.2 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997) [the Act]. The SPP seeks to promote the use of previously developed land and better access by sustainable transport modes and advises that new residential units should primarily be concentrated within existing settlements. However, it also recognises the increased demand for new types of development in rural areas. SPP further highlights that, through supporting policies, demand for new housing in the countryside can still be met in a way which can bring social, environmental and economic benefits.

2.2.3 The Scottish Government guidance advises that greenbelt designations should provide clarity and certainty on where development can and cannot take place, with greenbelts being used to direct development to suitable locations - not preventing development from happening - and supporting regeneration, while also protecting and enhancing the character, landscape setting and identify of the settlement.

2.2.4 The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7, 8 and 9.

2.2.5 Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is where the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.6 Policy 8 of FIFEplan aims to manage the demand for new housing in the countryside having regard to the way in which it can bring social, environmental, and economic benefits. Policy 8 sets out that development of houses in the countryside will only be supported where; it is for a site within an established and clearly defined cluster of five houses or more (up to a maximum of 24); or it is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits; or it is for the rehabilitation and/or conversion of a complete or substantially complete existing building; or it is to support an established rural business. In all cases, development must be of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.7 Policy 9 of FIFEplan aims to manage and protect the respective character, landscape settings and identity of towns which are surrounded by a greenbelt. The policy sets out strict requirements for when development in a greenbelt would be considered to be acceptable. With regard to housing developments on greenbelt land, the policy states that the development must involve either; the rehabilitation and/or conversion of complete or substantially complete existing buildings; or the demolition and subsequent replacement of an existing house. Additionally, it must be demonstrated that the development would improve the landscape and environmental quality of the green belt and be of a high-quality design.

2.2.8 The proposed extension to the garage would involve the rehabilitation and/or conversion of complete or substantially complete existing buildings so therefore the principle of the use is acceptable. However, as this application proposes to introduce a contemporary design with use of finishes (timber cladding, single pane windows, synthetic roof tiles, flat roof) which are not in keeping with the surrounding built form which are of a traditional appearance, finished in stone with pantile slate pitched roofs and timber multi pane windows, it would have a visual impact on the surrounding area. Given that the main principles for development to be acceptable in countryside and green belt areas in terms of policy 8 and 9 are that development must be of a high quality and be designed to protect the quality of these areas, it is considered that that

design and pallet of external finishes are not in keeping with the countryside/greenbelt location of the application site and would not enhance or protect this area. It is therefore considered that the proposed development is contrary to Policy 7, Policy 8 and Policy 9 and by extension Policy 7 of FIFEplan.

## 2.3 Design/Visual Impact on Countryside

2.3.1 FIFEplan Local Development Plan (2017) Policies 1, 7, 8, 9 and 10, the Making Fife's Places Supplementary Guidance (2018) apply with regard to the design and visual impact of the proposal.

2.3.2 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area.

2.3.3 As defined previously, Policies 7, 8 and 9 of FIFEplan (2017) advises that development proposals on greenbelt land must be of scale and nature that is compatible with the rural surroundings; be located and designed to protect the overall landscape and environmental quality of the area; and improve the landscape and environmental quality of the greenbelt.

2.3.4 Making Fife's Places Supplementary Guidance (2018) is Fife Council's Guidance on expectations for the design of development in Fife. This sets out guidance on how to apply the six qualities of successful places as set out in the above policy documents. In respect of this application, for example, key principles include reflecting the pattern of the local settlement form - including street widths, building setback etc; creating streets and spaces with particular character and a sense of identity to create visual interest; integrate green networks with the built development; creating developments that are not dominated by cars. This Supplementary Guidance document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places, alongside advice for developers on the process of design and the information required to allow the planning authority to fully assess any design proposals.

2.3.5 The proposed first floor extension is proposed to be finished with larch timber cladding to the walls, with standing seam aluminium roof sheeting with synthetic slate grey roof slates on a flat roof. The windows would be single pane and glazed doors are to be aluminium/timber composite with the rooflights to be aluminium framed. The ground floor finishes are not proposed to change. Given the location of the application site within the greenbelt and countryside, development proposals should be designed to protect the overall landscape and environmental quality of the area; and improve the landscape and environmental quality of the greenbelt. The existing farmhouse and steading buildings (which have been converted into residential use) are of a traditional appearance, finished in stone with pantile slate pitched roofs and timber multi pane windows. The proposal would increase the height of the existing garage by going up a storey to provide the ancillary accommodation. The design of this would provide a new architectural feature which is alien in this area with its Dutch barn style roof. By increasing the height of the existing garage to provide this ancillary accommodation, this would make the roof of this proposal visible from the wider green belt area above the existing tree belt boundary treatment given the sloping nature of the Grange Road, therefore impacting on the wider green belt area. This application proposes to introduce a contemporary design with use of finishes (timber cladding, single pane windows, synthetic roof tiles, flat roof), the height and massing of which are not in keeping with the surrounding built form and would have a detrimental visual

impact on the surrounding area. It is also therefore considered that the proposed design and finishing materials do not protect the overall landscape and environmental quality of the area; and improve the landscape and environmental quality of the greenbelt. The proposed design of the development given the context within the St Andrews Greenbelt is therefore deemed to be contrary to development plan policy in particular Policy 9..

## 2.4 Residential Amenity

2.4.1 Policy 1 and 10 of the adopted FIFEplan supports development proposals where they are compatible with neighbouring uses and protect personal privacy and amenity.

2.4.2 Fife Council's Planning Customer Guidelines on Daylight and Sunlight seeks to ensure that adequate levels of natural light are achieved in new developments and unacceptable impacts on light to nearby properties are avoided, while Fife Councils Planning Customer Guidance on Window to window distances seek to ensure there is no overlooking or impact on the privacy of neighbouring properties.

2.4.3 The only property which would potentially be affected by the proposed development is the applicant's own property and surrounding fields therefore there are no residential amenity considerations relevant to this application.

## 2.5 Road Safety

2.5.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Making Fifes Places Supplementary Guidance (2018) apply with regard to this proposal.

2.5.2 Fife Council's Transportation Development Management (TDM) team were consulted on this application. The existing house has three bedrooms. It therefore requires two off street parking spaces, in accordance with the current Fife Council parking standards set out in Making Fife's Places appendix G. As the proposed accommodation consists of one bedroom one additional off-street parking space will be required. There is ample space within the existing driveway and garage to accommodate a total of 3 off street parking spaces. Visibility splays of 3m x 210m are required from the access to the public road. To the north this is currently obscured by the existing stone wall and vegetation. TDM have stated that they have no objections to this application subject to the imposition of conditions regarding the correct visibility splays being provided along with three off street parking spaces.

## CONSULTATIONS

Transportation, Planning Services	No objection subject to conditions
Scottish Water	No objection
Trees, Planning Services	No comment

## REPRESENTATIONS

6 letters of support and 1 general comment have been received. The material planning considerations relating to these concerns have been addressed under sections 2.3 (Design/Visual Impact on Countryside).

The letters of support this application on grounds that the development would allow the applicant to have a carer living within the curtilage of his property and that the ancillary accommodation won't be used for other uses.

The health of the applicant is not considered a material planning consideration. As the application is recommended for refusal there is no condition pertaining to the use of this building.

## **CONCLUSIONS**

The application is considered to be unacceptable in principle as it is contrary to Policies 1, 7, 8 and 9 of FIFEplan (2017) as well as Scottish Planning Policy (2014). FIFEplan sets out strict policy requirements for when residential developments on greenbelt land would be deemed to be acceptable, however, the proposed development does not satisfy these criteria as it does not satisfy relevant design/visual impact criteria. The application is therefore recommended for refusal.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of safeguarding the visual amenity, character and protecting the environmental quality of the St Andrews greenbelt; the proposed development in terms of its form, detailing and design would relate poorly with the adjacent farmhouse and steading buildings which would not be in keeping with the surrounding built form in terms of design and proposed finishing materials and would not achieve the appropriate quality for development located in the Green Belt. The proposed development is therefore considered to be contrary to Policies 1, 7, 8, 9 and 10 of FIFEplan (2017) and Scottish Planning Policy (2014).

## **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.

3. National Guidance:  
Scottish Planning Policy (2014)

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

Other Guidance:  
Fife Council Customer Guidelines on Garden Ground (2016)  
Fife Council Customer Guidelines on Daylight and Sunlight (2018)

Report prepared by Scott McInroy (Planner, Development Management)  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 9/9/21.  
Date Printed 27/08/2021



# 20/02099/FULL

East Grange Farmhouse Grange St Andrews



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<b>Legend</b>			
	Application Boundary		

**ITEM NO: 7**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01832/FULL**

**SITE ADDRESS: TROMIE SHORE STREET CELLARDYKE**

**PROPOSAL : ERECTION OF DOMESTIC GARAGE WITH FIRST FLOOR  
HABITABLE ACCOMMODATION AND ERECTION OF TIMBER  
GATES**

**APPLICANT: MR AYAZ GHANI  
29A SHORE STREET CELLARDYKE SCOTLAND**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Fiona Kirk**

**DATE REGISTERED: 29/06/2021**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five objections 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 modern one and a half storey dwellinghouse with attic accommodation which is situated within an established residential area on the shoreline within Cellardyke close to the Category B Listed Harbour. The property is also situated within the Cellardyke Conservation Area but is not a Listed Building. There is an existing UPVC conservatory extension attached to the south gable end of the dwellinghouse and to the north (in front of the dwellinghouse) is a timber double domestic garage and shed with the remaining front garden monoblocked for additional parking and a turning area. The site is bounded by a 1.7 metre high traditional stone wall along part of the front boundary and one metre iron gates with timber fencing and stone walls of varying heights bounding the rest of the site. The finishing materials of the dwellinghouse comprise of red concrete interlocking rooftiles with slate eaves, buff dry dash render and white UPVC modern casement windows. The existing double timber garage is positioned 500mm from the front boundary wall with a pitched roof at an overall height of approximately 3.1 metres and two white garage doors. The shed is positioned adjacent to the timber garage.

1.2 This application is for the erection of a domestic garage with first floor habitable accommodation. The proposal would involve the demolition of the existing double timber garage and shed which has the appropriate Conservation Area Consent permission in place (20/02825/CAC). The proposed garage would be positioned in the same location as the existing garage with a larger footprint at approximately 5.3 metres in height (the same height as the dwellinghouse) and would sit 800mm from the front boundary wall at a width of 6.2 metres and length of 8.9 metres. It would have a single garage and two open covered parking spaces with an external staircase on the south gable end for access to the upper floor living accommodation comprising of a studio and wc. Three rooflights would be installed in both sides of the roof with a narrow high level window in the south west elevation, an angled window and glazed door on the rear elevation facing south and two angled high level windows on the front elevation facing north onto Shore Street. The roof would be finished in slate with the external walls finished in vertical light grey timber cladding, off white roughcast to the lower section of the walls and aluminium timber clad pebble grey windows and doors. The existing iron gates to the front boundary would be replaced with hinged timber gates at 1.7 metres in height extending to the same height as the wall with a small section of stone wall built to the west to match existing. The proposed gates would open inwards into the site. An extensive design statement, supporting statement, daylight angle plan and Shore Street perspective plans have been submitted with this application. A previous planning application (20/02824/FULL) was refused for a similar garage with first floor habitable accommodation. On the previous refused application, the external staircase was positioned adjacent to Shore Street, with an entrance door into the first floor accommodation. With this application, the proposed external staircase has been positioned to the rear of the garage with an entrance door and feature windows facing the existing dwellinghouse. A high level feature angled window will be installed to replace the previous entrance door. The previous application also had a black profile roof, with black vertical timber cladding and black windows. This proposal has a slate roof, with light grey timber cladding and pebble grey aluminium-clad timber windows and doors. There is no change to the overall height of this planning application compared to the previous refused application.

1.3 The planning history for this property is as follows:

01/03425/FULL - Erection of a conservatory extension to the dwellinghouse - Approved.

20/02825/CAC - Conservation Area Consent for the demolition of the existing garage - Approved

20/02824/FULL - Alterations to dwellinghouse and erection of two storey double garage - Refused

21/00819/FULL - Extension and alterations to dwellinghouse - Approved

1.4 As outlined above, a previous application in 2020 was refused (20/02824/FULL) for a similar proposal which included a two storey garage to the front of the dwellinghouse. The proposed garage was considered to be of an inappropriate height, design and colour and had an adverse impact on residential amenity and the Conservation Area. This proposal has been revised with the external stair located to the rear of the proposed garage instead of to the front, facing Shore Street, with a change to the roof finishes to slate and external lighter colour of cladding to the external walls and windows to address the concerns of the previous refused application.

1.5 In terms of considering an application with a recent history of the same or similar description, Members should note that Section 39 of The Town and Country Planning (Scotland) Act 1997 advises of the criteria where a Planning Authority may decline to determine an application. Amongst other criteria listed in Section 39; Part 1(b) (ii) and (iii) is the most applicable and advises that - for previous refusals where no appeal to Scottish Ministers was lodged, a current application can be declined to be considered where there has been no appeal (ii); and as stipulated in (iii) in the opinion of the authority there has not, since the more recent of the refusals, been any significant change in the development plan (so far as material to the current application) or in any other material consideration. In this case there was a refusal, no later appeal, no change in the development plan, but there has been another material change in terms of the content of the proposal itself. As outlined in paragraph 1.2 of this report the key changes to the previous refusal are considered material and therefore the Planning Authority can consider and determine this more recent 'current' application.

1.6 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The property can be adequately viewed to the front and sides on Google Maps and the agent has submitted additional photographs of the site. The case officer for this planning application is also very familiar with the area and surrounding environment. Objectors have suggested a site visit to the property to allow the case officer to assess the impact of the proposal on the surrounding area and neighbouring properties. However, this Planning Authority is not currently carrying out site visits unless deemed essential or where applications are devoid of appropriate information/photographic details. It is not practice to re-visit sites for proposals that have recently been site visited. In this instance it is deemed that there is also adequate and sufficient necessary information and photographs submitted which have been collated digitally to allow the full consideration and assessment of all aspects of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

## 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
- Road and Pedestrian Safety

### 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 principle of development for this type of structure within garden grounds has already been established with the existing garage and other contemporary extensions constructed within neighbouring properties in Cellardyke, where property owners wish to optimise views from their properties 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 also 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 potential use of the studio and garage as a new house or business/commercial use which would increase in traffic flow and congestion, loss of existing parking spaces and access issues to site which would lead to danger to pedestrians, residents and users of the Fife Coastal Path within the street. The agent has

confirmed the property would only be used as accommodation ancillary to a private dwellinghouse and for the avoidance of doubt an appropriate condition is proposed to be applied. Concerns have also been raised regarding loss of view with the increase in the height of the gates and there being no justification for this increase. In this instance, the loss of view and the specific reasons for the requirement for the increase in height of the gates are not material considerations in the assessment of this proposal. For information purposes for Members, the increase in the height is intended to protect the privacy of the owners of the property. Adequate access is available around the property and to neighbouring properties. Objector concerns regarding a fire hazard and drainage issues ignored are not material considerations in the assessment of this proposal. Drainage issues are covered by subsequent Building Warrants as are Fire safety issues. There would not be any impact to users of the Fife Coastal Path by this proposal which is a concern also raised by Objectors.

2.3.3 Objector concerns have also been raised regarding potential overshadowing of Shore Street and the quality of light. In this instance, a 20-degree daylight plan was submitted with this proposal as advocated in the Building Research Establishment guidelines, to demonstrate the potential impact on adjacent property. The 20-degree assessment and proposed perspective street-scape plan does demonstrate that the development would be within acceptable parameters and not have any detrimental impact. With respect to sunlight received in neighbouring gardens, it is not considered that the development would have a significant impact in the context of the above noted guidance. This proposal would also be one of the smallest buildings on Shore Street in comparison to neighbouring properties and is an adequate distance to neighbouring properties, in particular opposite this site.

2.3.4 The proposed garage and studio has been suitably positioned within the site with no impact on the existing off-street parking and away from the neighbouring properties along this street. Although this garage and studio is larger, the development does retain sufficient garden ground for the day to day activities of the owners. There is also sufficient 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 terms of residential amenity issues this proposal does not have any further detrimental impact to the immediate area than already exists at present.

2.3.5 Notwithstanding the above, each proposal must be assessed on its own merits. 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 amenity of the neighbouring residents 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 (Revised 2020) (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) and 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 (Revised 2020) (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. Also new interventions in historic settings do not need to look old in order to create a harmonious relationship with their surrounds.

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 and fit in with the design, style, size and proportion and materials of the property. The Cellardyke Conservation Area Appraisal and Management Plan 2015 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 the development is generally supported with information regarding the slates confirmed and a change to the cladding finishes. The building would be partly screened from the road by the boundary wall and from the foreshore by the house. Most aspects of the design would have no direct impact on the Conservation Area and are generally sympathetic and of appropriate quality. Further information has been submitted by the agent on the type of slates that would be used and the slates are of an appropriate style and design which commonly used on properties within Conservation Areas throughout the East Neuk of Fife. It is considered that the colour and finish of the cladding would complement the finishes of the surrounding buildings and is a more appropriate finish to the previous application which was black cladding and which raised objection concerns. The Historic Environment Scotland guidance in Managing Change in the Historic Environment on Extensions and New Design in Historic Settings are relevant to the new studio and garage. In this instance the alterations and new building comply with the guidance, they are of appropriate quality and design, sympathetic with the Conservation Area, which would also enhance the Conservation Area. It is considered that the location and height of the garage does not have an adverse impact to the adjacent properties, most of which are two storey, in terms of close proximity to neighbouring buildings and the setting with no detrimental impact to the

immediate and wider Conservation Area. The design is also sympathetic and complements the overall site and is considered to be acceptable as the style and location are appropriate for this type of development given the existing modern appearance of the dwellinghouse and garage and how and where they have been built.

2.4.5 Objectors who have raised concerns have stated that a two storey development on the garage site is excessive and should be single storey as it makes the street darker and less welcoming to residents and visitors, not in keeping or sympathetic to the Conservation Area, with inappropriate finishing materials to the garage. Objectors also advise that the wooden structure would create an incongruous development which is not in harmony in the surrounding street and therefore this proposal would dominate the streetscape with an inappropriate modern building, which imposes on the aesthetics of the distinctive character of the area. In this instance, officers note that whilst this two-storey garage and studio is larger in comparison to the existing garage positioned along Shore Street, the majority of the neighbouring buildings in the immediate area are two storey and located close to the road. Officers consider that the site is large enough to accommodate the size of this proposal and the height and proportion of the development does not overwhelm the surrounding buildings and its contemporary design is aesthetically appealing with a sensitive approach to this historic area.

2.4.6 Officers note that the proposed height is required to ensure that the off-street parking is secured underneath the first-floor accommodation within the site, with no further impact to the existing parking on Shore Street. It is also noted that the proposed garage and studio are unique in terms of scale and design to other buildings; however, it is also considered that it has been attractively and sympathetically designed in aesthetically pleasing traditional materials of a high quality; in a natural material. The use of lighter grey colour vertical timber cladding and modern finishes are good examples of sustainable and renewable building materials which are encouraged by environmentalists, regardless of the lack of this type of material in the immediate area, where traditional materials are prominent. Officers also welcome that the alterations to the dwellinghouse also complement the existing modern building and the glazing features to the gable ends, are a good example of contemporary architecture. 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 Cellardyke 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.

## 2.5 Road and Pedestrian Safety

2.5.1 Policies 1, 3 and 10 of Adopted FIFEplan Local Development Plan (2017) and Fife Council's Making Fife's Places Transportation Development Guidelines apply with regard to this proposal. These policies and guidance state the development will only be supported where it has no road safety impacts and should not endanger pedestrians or road users. In this instance the policies will be applied to assess what impact the proposed development would have on the general road and pedestrian safety of the immediate area.

2.5.2 As stated earlier in this report, concerns raised by objectors regarding the potential use of the proposed garage and studio as a new house, commercial or business use which would lead to an increase in traffic flow and congestion, loss of existing parking spaces and access issues to site which would lead to danger to pedestrians, residents and visitors within the street have been considered. In this instance the existing parking provision and turning area for the property is already established and would be retained in the same position within the site and therefore no further impact should occur outwith the site to jeopardise the existing parking and traffic flow on



Shore Street. Overall the proposal is not considered to cause any significant impact on road or public safety given the existing established access and off-street parking for this property. Therefore, it is considered that this proposal would comply with the Development Plan, guidance and relevant policies relating to road and pedestrian safety.

## CONSULTATIONS

Built Heritage, Planning Services

Development is generally supported.

## REPRESENTATIONS

Thirteen objections have been submitted with regard to this proposal. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

1. Two storey development on garage site is excessive and too high, over dominate and overwhelming bulk and massing. Should be single storey as height next to road makes part of Shore Street darker and less welcoming and safe place for residents and visitors.

Case Officer response: This concern has been considered and addressed in Sections 2.3.2, 2.3.3 and 2.3.4 of this report.

2. Not in keeping and unsympathetic to the Conservation Area, unacceptable visual impact. Inappropriate finishing materials and design, particularly the wooden structure in surrounding street and would dominate streetscape and incongruous modern building with detrimental impact to the harmony and distinctive character of the Conservation Area and setting of Listed Buildings.

Case Officer response: This concern has been fully considered and addressed in Section 2.4.5 of this report.

3. Potential use of studio and garage as new house or business/commercial use which would increase traffic flow and congestion, addition and loss of existing parking spaces and access issues to site which would all lead to danger to pedestrians, residents and pets.

Case Officer response: This concern has been fully considered and addressed in Sections 2.3.2, 2.3.3 and 2.3.4 of this report.

4. Overall size creating overshadowing to Shore Street and neighbouring properties. The height of the new gate would diminish daylight to the street.

Case Officer response: This concern has been fully considered and addressed in Sections 2.3.2, 2.3.3 and 2.3.4 of this report.

5. Loss of view with the increase in height of the gates and there is no requirement to increase the height.

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

6. Fire hazard with timber structure and drainage issues have been ignored.

Case Officer response: This is a Building Standard regulation and not a material consideration in the assessment of this proposal.

7. A site visit should be carried out to assess the proposal and the impact on the surrounding environment.

Case Officer response: This concern has been fully considered and addressed in Section 1.5 of this report.

8. Increase in traffic and impact on parking spaces within the street and too close to the road. The proposal and increase to footprint of the existing garage reduces amenity/garden area and manoeuvring of vehicles within the site.

Case Officer response: This concern has been fully considered and addressed in Sections 2.3.2 and 2.5.2 of this report.

9. Impact on quality of life and openness.

Case Officer response: This concern has been fully considered and addressed in 2.3.3 of this report.

10. Devalue properties.

Case Officer response: This is not a material consideration in the assessment of this planning application.

Three letters of support have been submitted with regard to this proposal stating:

1. The proposal is a considerable visual improvement to the property and the dilapidated garages.
2. Welcome addition to the space and appropriate finishing materials.
3. The proposed garage would be built behind the existing high wall and the ground level slopes naturally.
4. The neighbouring houses are higher and this proposal is considerably lower.
5. Adequate parking and turning area within the site with no impact to existing parking in the street.
6. The proposal complements the surrounding properties and towns historic setting.
7. No impact on the neighbouring properties.

The agent has submitted a supporting statement, a late letter of support and birds eye view of the studio building with regard to this proposal which highlights and justifies the proposal, with revisions to the proposal and concerns of the objectors addressed as follows:

1. The scale of the building is one of the smallest buildings on Shore Street with good design and scale in terms of contemporary architecture with appropriate good quality finishing materials. The proposal will upgrade the property to enhance the local area and fit better than the existing style of the property with a design which is sympathetic and harmonious to its surrounds.
2. The use and colour of the timber cladding is wholly encouraged by professional bodies, scientists, architects, contractors and environmentalists everywhere. Timber cladding is a popular choice in Scotland and Scandinavian countries to help to protect the building's external walls. Black timber was previously proposed, and this has been omitted for this proposal with a light,

natural colour timber cladding proposed and the extent of the timber cladding has also been reduced with roughcast finish at the ground floor area to break up the elevations. Natural slates are to be used which are very common in the local area and now proposed instead of the previous profiled roof.

3. The agent has confirmed that the studio and garage would only be for ancillary accommodation to a private dwellinghouse only.
4. The increase in the height of the gate is to improve the privacy of the owners of the property and not to impact on loss of views to neighbours.
5. The plans submitted address the concerns of the objectors in terms of daylight/sunlight. The proposed roofline of the studio will have a minimal impact to neighbouring properties and other properties on Shore Street are at least one storey higher than this proposal.
6. Fife Council's Built Heritage and Historic Environment Scotland support of the proposal and no objections lodged by relevant Community Councils.
7. No impact to existing parking within street and adequate parking provision within the site.
8. The Cellardyke Conservation Area Appraisal and Management Plan was a helpful and interesting reference during the development of the proposal.
9. The proposed forestair which was previously located at Shore Street, has now been relocated to the opposite gable of the studio in order to provide more privacy for the neighbours and occupants.
10. The proposed studio has been set back a further 500mm.
11. Fife Council's Built Heritage Team suggest a more appropriate colour for the cladding. However, this lighter shade of colour is proposed owing to the previous amount of objectors to the black cladding.

Case Officer response: These issues have all been taken into consideration and assessed within Sections 1.5, 2.3.2, 2.3.3 2.4.4, 2.4.5 and 2.5.2 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 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 two-storey garage and studio hereby approved shall only be used for domestic purposes which are incidental to the enjoyment of the dwellinghouse with no trade, commercial or business use carried out therefrom. Furthermore, the garage and studio shall not be sold, let or rented or otherwise disposed of other than as part of the dwellinghouse on site.

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

2. The new timber gates must open inwards into the site and not open out into public areas.

Reason: In the interests of road and pedestrian safety.

3. All stone details to the new boundary wall shall be constructed in a natural stone of a colour and coursing to match the existing stonework. A traditional mortar mix shall be used consisting of lime and aggregate (no cement).

Reason: In the interest of visual amenity; to ensure that the external finishing materials are appropriate to 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 - 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

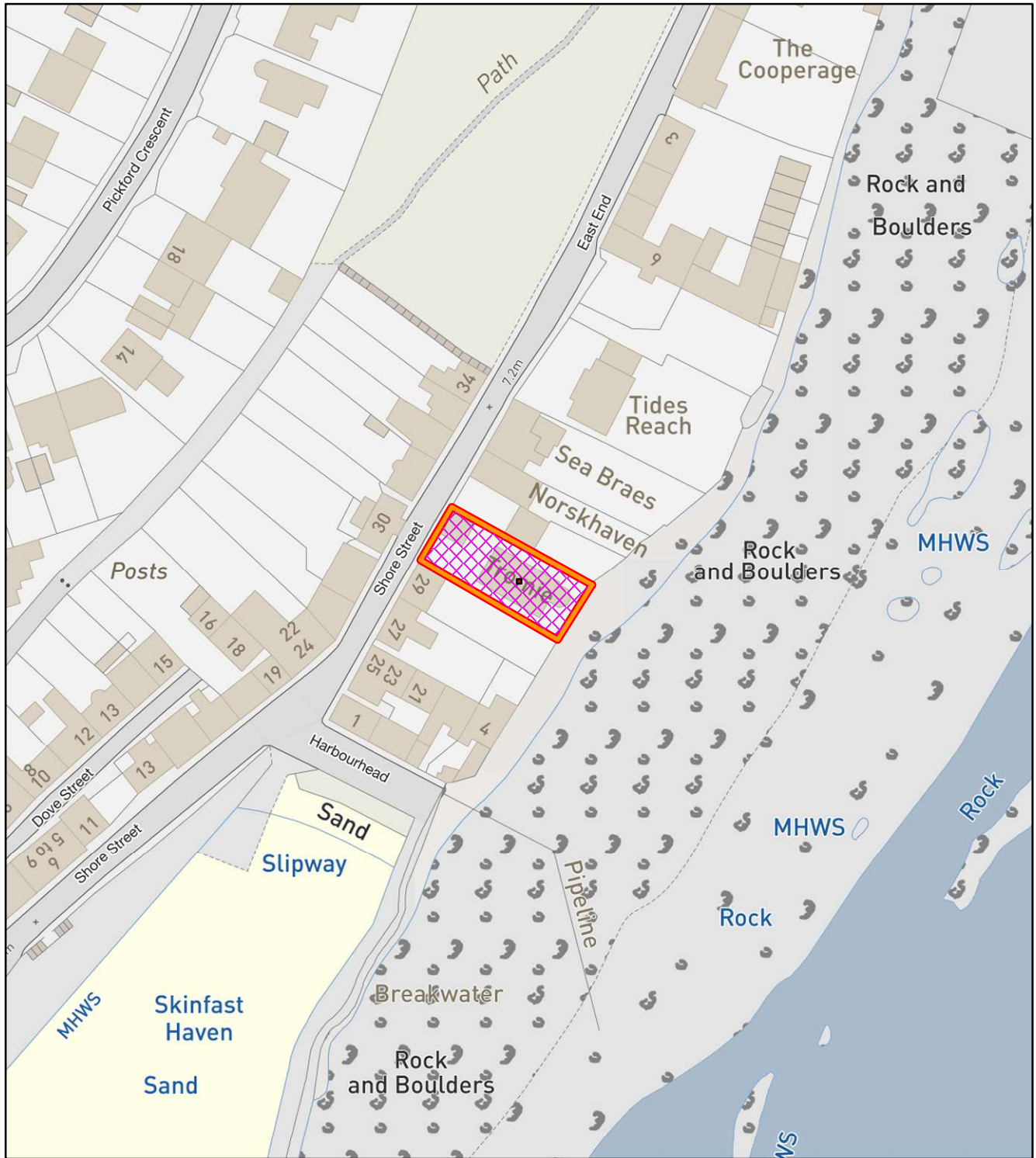
Fife Council's Planning Customer Guidelines - Garden Ground (2016)  
Fife Council's Planning Customer Guidelines - Home Extensions (including garages and conservatories) (2016)  
Fife Council's Planning Customer Guidelines - Windows in Listed Buildings and Conservation Areas (2014)  
Fife Council's Cellardyke 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) 9/9/21

Date Printed 10/09/2021

# 21/01832/FULL

## Tromie Shore Street Cellardyke Anstruther



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<b>Legend</b>			 <b>Fife</b> COUNCIL Economy, Planning & Employability Services
	<b>Application Boundary</b>		