

FPRB Reference: 22/375

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 25 Elm Grove, Dunfermline, Fife KY11 8AA
- Application for review by Ms Julie Hickey against the decision by an appointed officer of Fife Council
- Application 22/02622/FULL for Full Planning Permission for Two storey extension to side of dwellinghouse
- Application Drawings:
01 - Location Plan, 02 - Site Plan, 03 - Proposed Site Plan, 04 - Existing various eg elevation, floor etc, 06 - Supporting Statement, 05A - Proposed various - elevation, floor etc.

- No Site Inspection took place.

Date of Decision Notice: 11th May, 2023

Decision

The FPRB refuses Planning Permission for the reason(s) outlined below in Section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 24th April 2023. The Review Body for this Notice of Review was attended by Councillors David Barratt, Jane Ann Liston, Fiona Corps, Lynn Mowatt and Alycia Hayes.

2.0 Proposal

- 2.1 This application relates to a two storey semi-detached dwellinghouse with associated driveway and garden ground situated at 25 Elm Grove within the Dunfermline settlement boundary. The property is finished externally in a cream roughcast render, buff brick, pitched slated roof with dormers and uPVC windows. The site is located within an established residential area set amongst properties of varying architectural form and scale.
- 2.2 This application seeks full planning permission for a two storey extension to the side of the dwellinghouse onto the existing driveway. The proposed materials would match the existing.

3.0 Reasoning

- 3.1 The determining issues in this review were the principle of development; design and visual impact; car parking; garden ground and residential amenity.
- 3.2 The FPRB considered the terms of the Development Plan which comprises the Adopted National Planning Framework 4 (2023) (“NPF4”) and the Adopted FIFEplan Local Development Plan (2017) (“FIFEplan”). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (2018) (including Appendices), Fife Council’s Planning Customer Guidelines on Home Extensions (including conservatories and garages), Fife Council’s Planning Customer Guidelines on Daylight and Sunlight (2018), Fife Council’s Planning Customer Guidelines on Garden Ground (2016) and BRE Site Layout Planning for Daylight and Sunlight (2022).
- 3.3 Firstly, the FPRB assessed the principle of the proposed development against FIFEplan Policy 1 (Development Principles). They agreed that the proposal would be located within a residential setting and, therefore, the principle would comply with FIFEplan Policy 1, Part A, subject to compliance with all other relevant development plan policies.
- 3.4 Secondly, the FPRB assessed the design and visual impact of the proposed development within the surrounding context. With respect to NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policy 10 (Amenity), the FPRB considered whether the scale and massing of the proposed extension would appear incongruous and therefore, whether the proposal would have a detrimental visual impact. They considered the existing streetscape and acknowledged the varying architectural forms within the surrounding area. They reviewed the double-storey nature of the proposed extension and concluded that it could fit comfortably within this context. They were therefore content that the proposal would meet the policy requirements of NPF4 Policy 14 and FIFEplan Policy 10 with regard to design and visual impact.
- 3.5 The FPRB assessed the proposed level of car parking against the Fife Council car parking standards as set out in Appendix G of Making Fife’s Places Supplementary Guidance. They concluded that the proposal would be in compliance with the car parking standards and would therefore result in acceptable parking provision to accommodate the parking demands from future residents.
- 3.6 The FPRB then assessed the residential amenity impacts of the proposal on the surrounding area and in particular the potential loss of daylight to the neighbouring bungalow, cognisant of NPF4 Policy 16 (Quality Homes) and FIFEPlan 10 (Amenity) of which includes criteria requiring development proposals to demonstrate that there would be no significant detrimental impact on residential amenity. They considered the proposal against the Fife Council Planning Customer Guidelines on Garden Ground and the BRE Site Layout Planning for Daylight and Sunlight 2022 and taking into account the results of the appellant’s daylight assessment. They noted the detailed submission prepared by the appellant in seeking to justify the proposed development, including a series of methodological daylight assessments relating to the Vertical Sky Component (including daylight distribution) and ‘No-Sky Line’ Methodologies. The FPRB expressed concern about the impact of the proposal on the daylight to the neighbouring bungalow and that it would lead to a significant loss of daylight, particularly where the daylight to existing windows could be less than 0.8 times of its former value. They noted the objection received from the occupants of the bungalow based on the negative impact of the extension on the level of daylight

received to their property. The FPRB concluded that the daylight assessment presented shows that there to existing occupiers and therefore, a significant impact which would not be reasonable. On this basis, they resolved that this would be a reason for refusal under NPF4 Policy 16 and FIFEplan Policy 10.

3.7 The FPRB considered the potential loss of garden ground as a result of the creation of a car parking space within the existing front garden. There was some discussion against the Fife Council Planning Customer Guidelines on Garden Ground and whether this applies to the loss of front and / or rear garden ground. They concluded that the rear garden is big enough and, therefore, loss of the front garden would not breach the garden ground requirements. The rear garden would not be impacted as a result of the proposal. They acknowledged that when assessed against NPF4 Policy 1, significant weight is required to be given to the climate change and nature emergencies and therefore expressed concern that the existing front garden, which is a permeable surface, would be removed and therefore the porosity reduced. They asserted that this could create run-off thereby, increasing flood risk and having a detrimental impact on the drainage system. On assessment against NPF4 Policy 22(b) which states that small scale extensions and alterations would only be supported where they will not significantly increase flood risk, the FPRB acknowledged that they couldn't reasonably conclude that such a small area would significantly increase flood risk. The FPRB considered that should planning permission be granted, a condition could be applied requiring submission of hard landscaping details (including materials) for approval of planning authority to ensure that permeable materials would be used.

3.8 Overall, the FPRB concluded that the while the proposal would be acceptable in terms of the principle of development; design and visual impact; car parking; and garden ground (subject to a condition on hard landscaping details), it would not be acceptable in relation to NPF4 Policy 16 (Quality Homes) and FIFEplan Policy 10 (Amenity) due to the loss of daylight to the neighbouring property. The FPRB decided to refuse planning permission due to failure to comply with the noted policies in relation to residential amenity. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position.

4.0 Decision

4.1 The FPRB refuses planning permission for the following reason(s):

1. In the interests of safeguarding residential amenity; the proposed extension would result in a material loss of daylight to the neighbouring residential property to the detriment of residential amenity. The proposal is therefore contrary to Policies 1 and 10 of the FIFEplan (2017), National Planning Framework 4 Policies 14 (Design, Quality & Place) and 16 (Quality Homes), Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and BRE Site Layout Planning for Daylight and Sunlight (2022).

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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.