

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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Decision by Michael Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-250-2243
- Site address: 37 Townhill Road, Dunfermline KY12 0JD
- Appeal by McCallan Homes against the decision by Fife Council.
- Application for planning permission ref. 15/01550/FULL, dated 1 June 2015, refused by notice dated 4 November 2015.
- The development proposed: the erection of ten flatted dwellings with associated amenity space and car parking.
- Date of site visit by Reporter: 19 February 2016

Date of appeal decision 8 March 2016

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### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:
  - a. the relationship of the proposed development to the character of the surrounding area, in terms of its form, density, scale and design;
  - b. its impact on the amenity of neighbouring dwellings; and
  - c. its traffic implications.
2. The site is located on the east side of Townhill Road adjacent to its junction with Methven Drive. It has an area of approximately 0.18 hectares and was formerly occupied by a large detached villa, which also contained a dental surgery. That building has now been demolished and the site cleared. Photographs of the former house show that its large garden contained a substantial amount of mature vegetation. Most of that has been removed, apart from some trees and shrubs on the southern boundary of the site.
3. The immediately surrounding area contains houses of a variety of designs and heights, mostly late 19<sup>th</sup>/early 20<sup>th</sup> century and built of stone with slate roofs, predominantly hipped. East of the site, 1 Methven Drive is a large two-storey, detached house with a substantial garden. Beyond that are two detached bungalows and opposite them are two pairs of two-storey semi-detached houses. Further east, in Christie Street, there are mainly

single-storey detached and semi-detached houses, but with three 1½-storey houses at nos. 20-24, looking towards the appeal site. North of the appeal site on the east side of Townhill Road are three pairs of 1½-storey semi-detached houses, the gable end of no. 39 facing onto the site. Opposite the site on the west side of Townhill Road is a group of bungalows of a somewhat later date, most of which have slated hipped roofs.

4. The proposal is for the erection of two blocks, each containing five flats; one facing onto Townhill Road, the other onto Methven Drive. They are on three floors, with the upper floor, containing a three-bedroom flat, partially built into the roof with dormer windows facing to the front and rear, and small balconies on the front elevations over the bay windows of the flats beneath. The maximum height of the buildings to ridge height would be 11 metres, with the height to eaves level being seven metres on the front and rear elevations, and nine metres on the gable elevations. Access to the development would be from Townhill Road, with the provision of 20 parking spaces within the site. Two bin storage buildings would be built on the Townhill Road frontage close to the entrance, their pitched roofs having a maximum height of about 4.5 metres.

5. The development plan for this area comprises the Edinburgh and South-east Scotland Strategic Development Plan 2013 and the Dunfermline and West Fife Local Plan 2012. The proposal does not raise any matters of strategic significance.

6. In the local plan policy E2 supports development within settlement limits, provided that it conforms to relevant development plan policies and proposals. In addition, amongst other criteria, the proposal must be compatible with neighbouring uses; not adversely affect the privacy of neighbours; and respect the character, appearance and prevailing pattern of development of the adjacent townscape in terms of density, scale, massing, design, external finishes and access arrangements. Policy E4 requires new development to make a positive contribution to its immediate environment in terms of its quality, including well-thought out design; high standards of architecture in terms of form, scale, layout, detailing and choice of materials; making best use of site attributes; providing open space; providing safe and convenient access for pedestrians, cyclists and those with impaired mobility; protecting personal privacy and amenity; and enhancing community safety.

7. The site lies within a predominantly residential area, and its redevelopment for residential purposes is compatible with the character of that area. Looked at on plan, the plot ratio (the proportion of the site covered by buildings) does not seem excessive in comparison to the general density of development in the adjoining area. I appreciate, however, that it is the proposed intensity of use that is of particular concern. The form of the development is very different from the proposal for 15 flats that was rejected on appeal in 2008. I note that planning permission in principle was granted for two detached houses on the site in 2014 prior to the demolition of the previous house. Many of the objectors consider that such a development would be the most appropriate solution for the site. Contrary to that view, I do not consider that the provision of some flats on the site would be inherently inappropriate in this location, notwithstanding the general character of the area. Some objectors have expressed concern about the implications of buy-to-let or multiple occupation. However, I do not think that any inference can be drawn from the proposal as to how the properties might be occupied.

8. The site is relatively close to Dunfermline town centre and is on a bus route. I have noted the points raised for the appellant about its proximity to local facilities. Scottish Planning Policy (SPP), published in June 2014, is the Government's most recent statement of its planning policies and priorities. It introduces a presumption in favour of development that contributes to sustainable development, and states (paragraph 32) that this will be a material consideration in the determination of planning applications. Amongst the principles for sustainable development in paragraph 29 is making efficient use of the existing capacities of land; whilst paragraph 40 indicates that decisions should be guided by policy principles that include considering the re-use or redevelopment of brownfield land before new development takes place on greenfield sites. This policy guidance lends support to the argument that the appeal site could be developed in a more efficient manner than was approved in 2014.

9. Nevertheless, the development must still be appropriate to the context of the area. It must, in the words of paragraph 28 of SPP, be "the right development in the right place". In this regard I have serious reservations about the scale and design of the current proposal. The sections submitted with the application show that the roof level of the new buildings would be below those of the nearest buildings in Townhill Road and Methven Drive. This might in part be because the cleared level of the site would be slightly below the adjoining road level. However, I consider that these sections underestimate the likely impact of the new buildings.

10. The building fronting onto Methven Drive would be set well forward of the main part of the previous house on the site. I appreciate that that house did have two-storey and single-storey, flat-roofed extensions closer to the road (actually on its rear elevation as it faced towards the south), but the bulk of the new block would be substantially greater than those extensions. The proposed building would also lie forward of the building line on the south side of Methven Drive. Although an attempt has been made to reduce the overall height of the building by accommodating part of the second floor into the roofspace, I consider that it would still read as an essentially three storey building, especially when its gable end was viewed from Methven Drive. Despite the gable elevations being articulated by the introduction of bay windows, they would still appear very bulky. Although the design of the buildings incorporates a partially hipped roof, its overall appearance would be much bulkier than the hipped roofs of the surrounding houses.

11. Because of its proximity to Methven Drive and the fact that it would be closer to Townhill Road than the houses to the north, I consider that this block would be over-dominant in views from both streets. I also consider that it would have an over-bearing impact on the amenity of the house at 39 Townhill Road, creating the impression of being overlooked, especially in the rear garden, which is slightly above the level of the street. This impression would be accentuated by the presence of balconies to the second floor windows.

12. The southern block would be set back from Townhill Road by between four and nine metres. Whilst it would be more than 18 metres from the front elevation of the houses directly opposite (46 and 50 Townhill Road) I still judge that its appearance would be somewhat oppressive when seen from these houses, primarily because of the overall height of the building, its bulk and the second-floor windows and balconies. As with the

northern block I consider that this building would be over-dominant in views from Townhill Road, both from the north and when approaching up the hill from the south.

13. It is probable that anything other than single-storey development on this site would cause some overlooking of the large rear garden of 1 Methven Drive, which is at a slightly lower level than the site, but the effectively three-storey nature of the proposed flats would accentuate this impact.

14. I understand why the proposed bin stores are located at the back of the footway on Townhill Road, to allow easy access for refuse collection, as the vehicles would not enter the site. Although an attempt has been made to make an architectural feature of these, the overall result is to add to the visual obtrusiveness of the development when seen from that road. I have no doubt, however, that had the rest of the development been acceptable, this element could have been redesigned to be somewhat less noticeable.

15. Objectors have expressed concern about the access from the development onto Townhill Road close to the brow of a hill, the existing junction with Methven Drive and the driveway to the garages of 12-22 Witchbrae. However, the council's transportation officials raised no objections to this access, subject to some improvement to visibility splays, which would require a slight re-alignment of the existing boundary wall. I understand why local residents are concerned about on-street parking on Townhill Road, which I accept will be heavily used at certain times of day; and that this leads to additional parking on Methven Drive. At the time of my site inspection there was a considerable amount of parking on this road and I can imagine that it would be worse in the evenings and weekends. However, I consider that the provision of 20 parking spaces for the ten flats is generous. I do not think that it can be assumed that all the occupants of the flats would have two cars, so that there would be some spaces for visitors.

16. A considerable portion of the site would be occupied by the access and parking spaces. Some of the objectors have questioned whether the development would meet the council's standard for the provision of open space for flats, which amounts to 50 square metres of useable private garden ground per dwelling. The appellant states that the proposal would just exceed that figure, taking into account the paved drying area in the south-eastern corner of the development. Much of the open space, however, is along the road frontages of the site and, where the building fronts onto Methven Drive, is no more than 1.5-2 metres in width. Whilst such open space would provide a landscaped setting for the new buildings it can hardly be described as "useable". I recognise that the occupants of flats do not generally expect the same level of private open space that would be associated with self-contained dwellings. However, a smaller- scale scheme accommodating fewer units would undoubtedly allow the provision of more usable space for the occupants of the dwellings, which would be more in accord with the suburban character of the area.

17. Objections to this development were received from 62 individuals and organisations, including two community councils. Many sent in more than one representation at various stages. I have covered most of the concerns raised, and I need only briefly consider two other matters:

- Concern was raised about the possible unconventional construction method for the proposed buildings as the appellant had mentioned the possibility of

prefabricating elements off-site. The form of construction to be used is not a material planning consideration, but would be subject to detailed control through the Building Standards Regulations.

- The council's Education Services considered that local schools would have the capacity to accommodate children from this development, contrary to the concerns of some objectors.

18. All told, I find that the proposed development would not comply with policies E2 and E4 of the local plan, because of the scale and bulk of the proposed buildings, their over-dominant location on the site, and the adverse effect that they would have on the amenity and privacy of adjoining residents. I conclude that the proposal would not comply with the development plan.

19. It therefore remains to consider whether there are any other material considerations which would nevertheless warrant granting planning permission. I have already referred to SPP and its support for sustainable development and the re-use of brownfield sites. Although redevelopment of this site would improve the appearance of a currently untidy area, the achievement of this objective is not dependent on the current proposal. For the reasons given above I do not consider that this would be the right development for this particular site. It is therefore not sustainable development. Whilst I have no doubt that the ten dwellings proposed would make a small contribution to meeting the housing need in Dunfermline, I have been presented with no evidence as to the extent of the current housing requirement or the need for dwellings of particular sizes. The emerging FifePlan Local Development Plan has reached a late stage with an examination being carried out by reporters appointed by Scottish Ministers. My attention has not been drawn to any provisions of that plan that would materially change the policy basis against which this development should be assessed.

20. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*M D Shiel*

Principal Reporter