

**APPLICATION FOR PLANNING  
PERMISSION FOR THE FORMATION OF  
TIMBER DECKING AND STEPS, INCLUDING  
ASSOCIATED BALUSTRADES,  
ENGINEERING WORKS AND  
LANDSCAPING, LAND AT 90 MAIN  
STREET, THORNHILL, FK8 3PW**

**SUPPORTING PLANNING STATEMENT**

**Submitted on behalf of Mr Max Chowdhury**



**MH Planning**  
Associates

# APPLICATION FOR PLANNING PERMISSION FOR THE FORMATION OF TIMBER DECKING AND STEPS, INCLUDING ASSOCIATED BALUSTRADES, ENGINEERING WORKS AND LANDSCAPING, LAND AT 90 MAIN STREET, THORNHILL, FK8 3PW

## GROUNDINGS FOR REVIEW

### 1. Site Description:

- 1.1 The site the subject of this application is a terraced property on the south side of Main Street, Thornhill.
- 1.2 The site is within the designated Thornhill Conservation Area.

### 2. Relevant Planning History:

- 2.1 It is accepted that the decking that currently exists on the application site (see **Figure 1** below) was constructed without the necessary planning permission.



**Figure1:** Decking and Steps as Existing

- 2.2 The decking was built on top of an existing area of raised patio to the rear of the property. It sits approximately 170 millimetres above the level of the patio, and projects between 1.2 metres and 1.8 metres beyond the line of the edge of the patio that it sits on.
- 2.3 An application for the retention of the decking, in a modified form, was submitted in June 2023 (LPA reference number 23/00380/FUL).

2.4 This application was refused on 24 August 2023 for the following reason:

"1. *The proposal is contrary to Policy 2.12 of the Stirling Local Development Plan 2018 and the Supplementary Guidance: Residential Alterations and Extensions and NPF4 Policy 16 in that:*

- (a) The scale and massing of the decking and ramp is considered to detract from the character of the dwellinghouse;*
- (b) The proposed decking results in an unacceptable impact on neighbouring amenity by way of impact on privacy as a result of direct overlooking into a habitable room and garden ground of number 92 Main Street and the garden ground of number 88 Main Street.*

2.5 This decision was subsequently upheld by the Council's Local Review Body.

### **3. The Proposed Development:**

3.1 In the light of the above it is now proposed to remove the unauthorised decking in its entirety.

3.2 Following this, the existing patio slabs on which the decking sits will also be removed. The timber decking will then be reconstructed, so that it sits no higher than the slabs that were removed. On this basis any overlooking of neighbouring properties will not be increased.

### **4. Relevant Development Plan Policies:**

4.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that "where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise". The Development Plan relevant to the review application comprises the:

- The National Planning Framework (2023); and
- The Stirling Council Local Development Plan (2018).

4.2 Section 13 of the Planning (Scotland) Act 2019 is now in force. This alters Section 24 of the 1997 Act to state that in the event of 'any incompatibility' between a provision of the National Planning Framework ('the NPF') and a provision of a Local Development Plan ('the LDP'), whichever of them is the later in date is to prevail.

- 4.3 The following policies of the adopted Development Plan were referred to in the previous reason for refusal:

**The National Planning Framework (2023)**

**Policy 16(g)** which states that householder development proposals will be supported where they:

- i. Do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

**Stirling Council Local Development Plan (2018)**

**Policy 2.12** (Residential Alterations and Extensions), which states that the alteration and/or extension of residential properties will be supported provided that all the relevant criteria are satisfied:

- (a) The proposal is of a scale, size, massing and design that is subordinate and sympathetic to them building to be extended and the wider townscape and uses materials appropriate to its context.
- (b) The proposal does not result in an over-development of the plot, with sufficient space remaining for garden ground, parking, and bin storage, which is comparable to the amenity afforded to surrounding residential properties in this regard.
- (c) The proposal does not result in a material detrimental impact on the amenity of surrounding residential properties in terms of privacy, noise or loss of daylight.

**Supplementary Guidance SG12: Residential Alterations and Extensions**

- 4.4 The reason for refusal also refers to the above Supplementary Guidance, which states:

*“4.2 In the case of single storey extensions, conservatories and decking, overlooking and/or loss of privacy may be influenced by local conditions such as topography and existing planting or screening. The erection of timber decking or other structures ‘incidental to the enjoyment of the dwelling house’ may require planning permission. To clarify whether planning permission will be required early contact should be made with Planning Officers.*”

- 4.3 *In planning such developments, careful consideration must be given to issues of privacy and overlooking (in relation to neighbouring windows) particularly if the structure is detached from the main building and/or elevated. Its appearance and design must be appropriate to the character of surrounding properties and gardens. Sloping sites can cause particular problems."*

## **5. Planning Assessment:**

- 5.1 With respect the previous (refused) application the key concern was the impact on neighbouring residential amenity as a result of the potential for overlooking a habitable room and the garden ground of 92 Main Street, and also the garden ground of 88 Main Street.
- 5.2 As set out above, the unauthorised decking will now be removed in its entirety. This will remedy the current breach of planning control. Once the existing patio slabs on which the decking sits have also been removed, the timber decking will then be reconstructed. The reconstructed decking will sit no higher than the slabs that were removed. On this basis any overlooking of neighbouring properties will not be increased.
- 5.3 The existing steps will be relocated adjacent to the boundary with 88 Main Street in order that access to the lower level of the garden grounds can be maintained.

## **6. Conclusions:**

- 6.1 In conclusion it is considered that, based on what is now being proposed, there would not be any conflict with the provisions of **Policy 16(g)** of the NPF or **Policy 2.12** of the LDP. Planning permission for the proposed development should therefore be able to be timeously granted.