

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 8th February 2023**

DC22/096/FUL: Planning appeal decision - Change of use to allow fitting of tyres to motor vehicles together with associated works (retrospective) on land adjacent to the public house, Dumbarton Road, Duntocher, Clydebank.

1. Purpose

- 1.1 The purpose of this report is to advise the Committee of the outcome of the appeal to change of use to allow fitting of tyres to motor vehicles together with associated works at the above address.

2. Recommendation

- 2.1 It is recommended that the Committee note the outcome of the appeal.

3. Background

- 3.1 In June 2021, the Planning Committee refused planning permission (DC21/012/FUL) for the siting of 3 containers on the existing car park to accommodate tyre fitting business on the grounds that the proposed development would result in the introduction of a type of use that would be out of character with the surrounding area and would have a significant detrimental impact on the amenity and appearance of the surrounding area. Additionally, it was considered that the proposal would not be compatible with adjacent residential uses. Following refusal, the applicant submitted an appeal to the Directorate for Planning and Environmental Appeals and the appeal was dismissed by the Reporter on the grounds that there were no material considerations which would justify granting planning permission.
- 3.2 A further planning application (DC22/096/FUL) was submitted which sought to address the previous reasons for refusal on appeal with the containers re-positioned on the site and largely enclosed behind a 2.4 metre high timber screen. This application was refused by the Planning Committee on 3rd August 2022 as it was considered that the proposed development would result in the introduction of a use that would be out of character with and have a significant detrimental impact upon the surrounding area and not supported by the adopted Local Plan or proposed Local Development Plan 2

4. Main Issues

- 4.1 Following the refusal of planning permission, the applicant submitted an appeal to the Directorate for Planning and Environmental Appeals.
- 4.2 Following a full assessment, the Reporter dismissed the appeal and refused planning permission on 5th January 2023. In doing so, the Reporter found the main issues to be the location within an area where the predominant established use is residential, the effect on the visual amenity of the surrounding area visual impact and the impact on residential amenity.

- 4.3** In assessing the visual impact on the surrounding area, the Reporter acknowledge that screening materials have been introduced to try to mitigate the visual impact and prominence of the containers and storage area. The Reporter, however, considered that the proposed development would still be makeshift in appearance, and visually unsuited to an established residential area. The Reporter further considered that both the use and the appearance of the proposed development would be out of character with the surrounding area. Overall, the Reporter found the proposed development would have a significant detrimental impact on the visual amenity of the local area.
- 4.4** Turning to residential amenity, the Reporter further considered that development was within close-range view of the flats across Beech Road, especially those at first floor level which have clear lines of site over the hedge on their boundary. Accordingly, she consider it would have a detrimental impact on outlook, unacceptably reducing residential amenity. In combination with the development's incongruity and its adverse visual impact, the Reporter was also concerned that any noise disturbance from the non-residential use could have a compounding effect on amenity although acknowledged that further information would have been required on this matter should she have been minded to grant planning permission.
- 4.5** The Reporter concluded that the development did not accord overall with the relevant provisions of the development plan and that there were no other material considerations which would justify granting planning permission.

5. People Implications

- 5.1** There are no people implications associated with this report.

6. Financial and Procurement Implications

- 6.1** There are no financial or procurement issues associated with this report.

7. Risk Analysis

- 7.1** There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no equalities issues associated with this report.

9. Consultation

- 9.1** Consultation was undertaken during the consideration of the planning application.

10. Strategic Assessment

- 10.1** The appeal decision is considered to have been consistent with the following strategic priorities:
- Our Environment in ensuring the local environment is protected, enhanced and valued.

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Appendices: None

Background Papers:

1. Planning Committee reports – DC21/012/FUL, DC22/096/FUL
2. Planning appeal decision PPA-160-2038 - <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=122625>

Wards affected: Ward 4 (Kilpatrick)