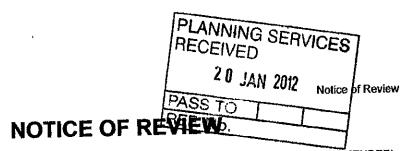
APPLICATION FOR REVIEW: DC11/213/HOU



UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.

Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

and the state of t					
Applicant(s)	Agent (if any)				
Name MR AND MRS W TCHNSTON	Name				
Address & FRASER AVE	Address				
DUMBARTON					
Postcode 682 345	Postcode				
Contact Telephone 2 Fax No	ontact Telephone 1 ontact Telephone 2 Fax No				
E-mail*	Mark this box to confirm all contact should be				
* Do you agree to correspondence regarding your review being sent by e-mail? Yes No					
Planning authority	WEST DUNBARTONSHIRE COUNCIL				
Planning authority's application reference number	DC 11 / 2 13				
Site address 6 FRASER AVE	E, DUNBARTON, 682 3LS				
Description of proposed development ERECTION OF BALCONY ON REAR ELEVATION					
Date of application	Date of decision (if any) 21/11/2011				
Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.					

	Notice of R	eview
Nat	ure of application	
1.	Application for planning permission (including householder application)	7
2.	Application for planning permission in principle	\prod
3.	Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
4.	Application for approval of matters specified in conditions	
Rea	isons for seeking review	
1.	Refusal of application by appointed officer	W
2.	Failure by appointed officer to determine the application within the period allowed for determination of the application	
3.	Conditions imposed on consent by appointed officer	
Rev	riew procedure	
time to c suc	Local Review Body will decide on the procedure to be used to determine your review and may a during the review process require that further information or representations be made to enable determine the review. Further information may be required by one or a combination of proced has: written submissions; the holding of one or more hearing sessions and/or inspecting the ch is the subject of the review case.	them lures,
har	ase indicate what procedure (or combination of procedures) you think is most appropriate folloling of your review. You may tick more than one box if you wish the review to be conducted abination of procedures.	r the by a
1.	Further written submissions	
2.	One or more hearing sessions	W
3.	Site inspection	
4	Assessment of review documents only, with no further procedure	
bel	ou have marked box 1 or 2, please explain here which of the matters (as set out in your state ow) you believe ought to be subject of that procedure, and why you consider further submission aring are necessary:	ement s or a
	EXPLAIN TO BUILDING AND PLANNING THE REASONS EHIND THE PROPOSED ERECTION OF BALCONY	
Site	inspection	
In t	he event that the Local Review Body decides to inspect the review site, in your opinion:	
1.	Can the site be viewed entirely from public land?	No
2	Is it possible for the site to be accessed safely, and without barriers to entry?	
lf (una	here are reasons why you think the Local Review Body would be unable to undertakeccompanied site inspection, please explain here:	e an

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

if the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Our proposal for the erection of a balcony onto our home
was not only to enhance our property and the surrounding area, but we feel it would increase our quality of life.
Following a road traffic accident several years ago, I was
registered 24% disabled due to an ankle injury. I have been
advised by my surgeon that arthritis will be a problem in
the future. As our home is split level and our garden is on
a slope, we feel a balcony would improve our quality of life in the long term. We were surprised to discover the difficulty
in obtaining permission, when our neighbour two doors along
had a balcony erected several years ago. In addition, no
neighbours objected to our planning application. Moreover,
as she felt the balcony would enhance her outlook.
as site fell the ballong would enhance her bullock.
Yes No

determination on your application was made?		
If yes, you should explain in the box below, why you are raising new material, why it was the appointed officer before your application was determined and why you consider it such as considered in your review.	not raise hould n	ed with ow be
		

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

· Letter from neighbour; Mr and Mrs Black, 10 Stuart Road, High Overtown, Dumbarton · Plan

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed | Date | 20/1/12

Mr Donald & Mrs Alexandrina Black
10 Stuart Road
Highovertoun
Dumbarton
G82 3NQ

PLANNING SERVICES
RECEIVED
2 0 JAN 2012
PASS TO TREF. No.

12 January 2012

To Whom It May Concern

Proposed Balcony Extension at 6 Fraser Avenue Dumbarton

Sir/Madam

With regard to the above Project and your refusal to grant permission for the extension
The reason given was that it would overlook our property, we back on to the
Property of Mr & Mrs Johnston. We have between our two properties a very large Leylandii
Hedge which blocks out all views of the property at 6 Fraser Ave when viewed from
Our living area.

We feel that the balcony would be an enhancement to the property and that we certainly have no objections.





SUGGESTED CONDITIONS: DC11/213/HOU

O1. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.

Reason

In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- O2. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
 - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);
 - b) A Notice of Completion of Development as soon as practicable once the development has been completed

Reason

In accordance with the terms of Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

O3. Prior to the commencement of the development, details of a screening treatment to be provided along both sides of the balcony shall be submitted to and approved in writing by the planning authority. The approved screening shall be implemented as approved and shall thereafter be retained at all times.

Reason

In the interests of privacy.

RELEVANT POLICIES: DC11/213/HOU

Development Control

4.3 The following policy relates to all new development and applies to the whole of the Plan area.

Policy GD 1 Development Control

All new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. Proposals will be required to:

- be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy); developers will be required to submit design statements where appropriate;
- be energy efficient, including considering options for microrenewable technologies;
- ensure that landscaping is integral to the overall design, that important landscape features and valuable species and habitats are conserved and where possible enhanced, and that there is an emphasis on native planting;
- ensure that the value of the historic and natural environment is recognised, and is not devalued or threatened by the proposal;
- ensure that open space standards are met;
- assess and address any existing or potential increase in flood risk and/or environmental pollution, provide drainage consistent with Sustainable Urban Drainage Systems design guidance and ensure that suitable remediation measures are undertaken on contaminated sites:
- demonstrate, where appropriate, that the development will not result in a negative impact on the water environment;
- ensure that increases in traffic volumes and adverse impacts on air quality are avoided or minimised by including provision for public transport, pedestrian and cycling access, and considering the need for a Green Travel Plan;
- meet the roads, parking and access requirements of the Council (particularly for disabled people and the emergency services) reflecting national guidance where appropriate;
- consider the availability of infrastructure and the impact on existing community facilities;
- minimise waste, and provide for the storage, segregation and collection of recyclable and compostable material; a Site Waste Management Plan may be required; and
- be consistent with other Local Plan policies.

Reasoned Justification

4.4 Policy GD 1 sets out the criteria which will be used in considering all development proposals and applications for planning permission. The intention of the policy is to ensure that all new development enhances the Plan area and

environmental quality in general. The emphasis on the importance of design reflects a similar emphasis in SPP 1 and the Designing Places document published by the Scottish Government. This emphasis has been continued in more recent policy and advice, and SPP 20 draws together and reinforces the Government's design policy commitment. Achieving better quality design in the built environment and public open space requires design to be given greater importance from the beginning. New development should provide lasting improvements to the built environment, create successful places and promote local distinctiveness. PAN 68 Design Statements provides further advice. Specific design guidelines have been produced for both the Clydebank and Dumbarton Riverside areas and have been approved as Supplementary Planning Guidance. Other Local Plan policies within the following chapters will give more guidance to developers on specific types of development, for example Policy H 4 in relation to new housing. These should be referred to where appropriate, and together with Policy GD 1, will form the first point of reference when considering planning applications.

- 4.5 Development proposals on sites which have watercourses flowing through them or adjacent to them, or which are at risk from tidal flooding, are likely to be required to be submitted with a Flood Risk Assessment. Further details in relation to flooding and drainage are provided in the flooding and sustainable urban drainage policies in Chapter 13. However, it is considered appropriate to apply Sustainable Urban Drainage Systems to all new developments, whether or not they are currently affected by flooding, in order to address diffuse pollution originating from new developments, as well as controlling site run-off so as not to exacerbate flood risk elsewhere. The Government has endorsed the guidance "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland" published by the Sustainable Urban Drainage Systems Scottish Working Party, but further guidance may be appropriate as methods develop. PAN 61 Planning and Sustainable Urban Drainage Systems provides further advice. It should be noted that as at 2009 the Council does not have a policy of adopting SUDS features and the matter of liability and maintenance must be discussed for every development with the Council, to ensure all parties are aware of their responsibilities prior to any construction. The Council requires that any planning applications affecting contaminated land include suitable remediation measures so that the ground is made suitable for the new use, as required by PAN 33 Development of Contaminated Land. Finally, the Water Framework Directive and related regulations require that the physical characteristics of water courses as well as the quality is to be protected – see also paragraphs 13.10 – 13.11.
- 4.6 The requirement to minimise waste and provide for its storage and collection from new development is in accordance with SPP 10 Planning for Waste Management and PAN 63 Waste Management Planning. A Site Waste Management Plan may be required to minimise waste at source on construction sites through the accurate assessment of the use of materials and the potential for recycling material on or off site.

Development within Existing Residential Areas

6.34 As well as ensuring that new residential development reaches the highest standard, it is also vital that the character and amenity of existing residential areas is protected and enhanced by any new development which is proposed. This is particularly important when, as a matter of policy, development is being actively promoted within the existing built up area.

Policy H5 Development within Existing Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced. Development within existing residential areas will be considered against the following criteria:

- the need to reflect the character of the surrounding area in terms of scale, density, design and materials;
- the requirement to avoid over development which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings;
- the need to retain trees, hedgerows, open space and other natural features;
- extensions to dwellings must complement the character of the existing building, particularly in terms of scale and materials, not dominate in terms of size or height, and not have a significantly adverse affect on neighbouring properties;
- the subdivision of the curtilage of a dwelling for a new house should ensure that the proposed plot can accommodate a house and garden; the new house and garden to be of a scale and character appropriate to the neighbourhood; sufficient garden ground should be retained for the existing house; the privacy of existing properties should not be adversely affected and separate vehicular accesses should be provided;
- with regard to non-residential uses, whether they can be considered ancillary or complementary to the residential area, and would not result in a significant loss of amenity to the surrounding properties. A significant loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance; and
- the proposal conforms with other Local Plan policies

Reasoned Justification

6.35 This policy seeks to ensure that the character of existing residential areas is protected and that all development proposals within these areas will maintain or enhance their amenity. It is considered that using sympathetic design, avoiding over-development and retaining existing landscape features is the best way of achieving this. It is particularly important that the development of infill and gap sites should not be at the expense of open space which makes an important contribution to the quality of local environments.

6.36 The introduction of small-scale non-residential uses to existing residential areas may be acceptable, but their impact on the residential environment will be the overriding consideration. Policy H 5 indicates the factors which might lead to a loss of amenity in an existing area. However, there may be benefits in encouraging some other suitable uses into existing residential areas, for example nursing homes, children's nurseries and offices, which could provide small-scale local services and employment opportunities.

APPOINTED OFFICER'S DECISION: DC11/213/HOU

Refusal of Planning Consent

WEST DUNBARTONSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDERS

<u>Proposal</u>

Erection of balcony on rear elevation and

installation of chimney

Site

6 Fraser Avenue

Dumbarton

West Dunbartonshire

G82 3LS

Applicant

Mr & Mrs W Johnston

Agent

N/A

Class of Development

Local Development

Decision Type

Delegated

WEST DUNBARTONSHIRE COUNCIL, AS PLANNING AUTHORITY, IN EXERCISE OF THEIR POWERS UNDER THE ABOVE-MENTIONED ACTS AND ORDERS, AND HAVING CONSIDERED YOUR PROPOSED DEVELOPMENT, THE PLAN(S) DOCQUETTED AS RELATIVE THERETO AND THE PARTICULARS GIVEN IN THE ABOVE APPLICATION, HEREBY:-

DECISION:

REFUSE PLANNING CONSENT FOR THE REASON(S) CONTAINED

IN THE ACCOMPANYING PAPER(S) APART.

DATED THIS: 21st day of November 2011

EXECUTIVE DIRECTOR of HOUSING, ENVIRONMENTAL

AND ECONOMIC DEVELOPMENT

COUNCIL OFFICES, CLYDEBANK G81 1TG

SIGNED ...

for WEST DUNBARTONSHIRE COUNCIL

Ref No -DC11/213

. Page 2

Reason

The balcony would be contrary to Policy H5 of the West Dunbartonshire Local Plan 2010 in that it would have a significantly adverse effect on the privacy of the property to the rear of the application site by causing unacceptable overlooking.

FOR NOTING

Informatives

01. The plans referred to as part of this decision are SD/1102/01 Rev B, SD/1102/02 Rev A

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 PLANNING ETC. (SCOTLAND) ACT 2006

RIGHTS OF AGGRIEVED APPLICANTS (DELEGATED DECISIONS)

1. If this decision involves a refusal of planning permission or the granting of permission subject to conditions, and if the applicant is aggrieved by this decision, they may seek a review of this decision with the Local Review Body within 3 months of the date of this notice.

The review may be submitted in writing to:

West Dunbartonshire Council Planning Local Review Body Council Offices Garshake Road Dumbarton G82 3PU

Telephone

01389 737210

Review forms can be obtained on request from the above address or can be downloaded from the Council's website:

http://www.west-dunbarton.gov.uk/building-and-planning/planning-permission/application-forms/appeals-and-reviews/

2. If permission to develop is refused or granted subject to conditions (whether by the Planning Authority or the Scottish Ministers), 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, he may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

WEST DUNBARTONSHIRE COUNCIL REPORT OF HANDLING (Delegated)

APP NO: DC11/213

CASE OFFICER: Ms Lorna Ramsey

ADDRESS/SITE: 6 Fraser Avenue, Dumbarton, West Dunbartonshire, G82 3LS

PROPOSAL: Erection of balcony on rear elevation and installation of chimney

1.0 Site Description/Development Details

This application relates to a detached property located within a residential area with houses to the rear and either side and a road to the front. The house has been built on a steep slope which means that the front of the house appears single storey but there is a lower ground floor at the back of the house, which is therefore 2 storeys high. The applicants propose to build a timber balcony projecting 2 metres from the rear of the house and measuring almost the same width as the house. The balcony would be built at the first floor level of the house, approximately 3 metres above the patio at the back of the house, and french doors would be installed in the living room and kitchen to allow these rooms to open out onto the balcony. The applicants also propose to install a modern style chimney on the rear elevation of the house. The chimney would measure 2 metres in length, however, due to its position it would project only 0.6 metres above the ridge of the roof.

2.Consultations

West Dunbartonshire Council Environmental Health has no objections.

3.Application Publicity

None.

4.Representations

None.

5. Relevant Policy

West Dunbartonshire Local Plan
H5 - Housing within Existing Residential Area

6. Appraisal

As the property sits on a steep slope the houses at the rear of the site sit at a much lower level. The living room window of the applicant's property sits at approximately the same level as the roof of the house immediately to the rear of the site. Although a tall hedge along the boundary between the 2 properties provides some privacy for the neighbour's garden and ground floor windows, the windows on the first floor (presumably bedrooms) are already quite overlooked

by the application site. This is true of all of the houses in these two streets, and is probably not a significant issue at present as the houses have been built for many years. However, the erection of a balcony would bring the applicant's property closer to the neighbour's property and overlooking would be increased. The nature of balconies is such that they are particularly prone to overlooking problems as they are designed for people to sit out on, and the overlooking and perception of being overlooked are often significantly greater than what would be caused by windows in the same position. The 2 properties are currently approximately 20 metres apart and this would reduce down to 18 metres, which in this case is considered to be problematic due to the elevated nature of the balcony coupled with the reduced distance meaning that overlooking would be made significantly worse. It is therefore considered that this would have a significant detrimental impact on the privacy of neighbouring property, and would be unacceptable.

The nearby property at 10 Fraser Avenue has a 2 storey rear extension that encompasses a terrace on the first floor. This was approved through application DC02/316 in January 2003. In that case the distance between the 2 properties was approximately 25 metres reducing down to 21 metres after the extension was built. It is considered that in this instance the extra few metres of distance between the 2 properties helped to reduce the impact and that the smaller size of that balcony meant that the development was considered to be acceptable. In the current application the shorter distance between the houses coupled with the significant and the greater size of the balcony proposed means that the resulting overlooking would be unacceptable.

The proposed chimney is a minor element which is considered to be acceptable as it would be only slightly visible from the street and would have a fairly minor impact on the appearance of the property. Environmental Health has no objections to the chimney provided that only smokeless fuel is used as the property lies within a smoke free zone. However, as the balcony and chimney are part of the same application consent cannot be granted for one and not the other.

As the development would be contrary to local plan policy it is considered to be unacceptable.

7. Added Value

Not applicable.

8. Recommendation

Refuse planning permission.

9.Conditions

Reason The balcony would be contrary to Policy H5 of the West

Dunbartonshire Local Plan 2010 in that it would have a significantly adverse effect on the privacy of the property to the rear of the application site by causing unacceptable overlooking.

FOR NOTING

Informatives

01. The plans referred to as part of this decision are SD/1102/01 Rev B, SD/1102/02 Rev A

PLANNING APPLICATION: DC11/213/HOU

	160,00	ŀ	22/09/1
Receipt No. Reference No.	0014451	ľ	, ,

WEST DUNBARTONSHIRE COUNCIL

HOUSEHOLDER PLANNING APPLICATION



TOWN & COUNTRY PLANNING (SCOTLAND) ACTS
Please read the Notes for Guidance before completing this form. It is important that this form is completed correctly.

1.	APPLICANT'S DETAILS	Name	HR+ HRS L	V. Sondator	Tel	
		Address.	6 FRASER	AVENUE.	Mobile	
		Dun	BARTON		Fax	
				·································	E-mail.	•••
		Postcode	<u> </u>	L5	min sign	
2.	AGENT'S DETAILS	Name	***************************************	, Pcı	1/2/13	
	(if applicable)	Address.			Mobile Tel.	•
		***********	•••••••	*********	Fax	
			•••••••••••••••••••••••••••••••••••••••		E-mail	
		Postcode.	***************************************	*		
4.			ED DEVELOPMENT	-		ase tick relevant boxes
4.						
4.	DESCRIPTION O	F PROPOS			Ple	ase tick relevant boxes
4.	DESCRIPTION O Extension	F PROPOS		- Garage	Pte	ase tick relevant boxes
4.	DESCRIPTION O Extension Dormer /Velux wind	F PROPOS		Garage Satellite Antenr	Pte	ase tick relevant boxes
-	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway	F PROPOSidows		Garage Satellite Antenr Window replace Re-roofing	Pte na ement	ase tick relevant boxes
-	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway Other (please spec	F PROPOSidows	ED DEVELOPMENT	Garage Satellite Antenr Window replace Re-roofing	Pte na ement	ase tick relevant boxes
-	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway Other (please spec	F PROPOSidows	ED DEVELOPMENT	Garage Satellite Antenr Window replace Re-roofing	Ple ma ement Barcol	ase tick relevant boxes
	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway Other (please spec	F PROPOSidows	ED DEVELOPMENT	Garage Satellite Antenr Window replace Re-roofing	Pte na ement SALCON	ase tick relevant boxes
	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway Other (please spec Does the proposal i	F PROPOSidows	ED DEVELOPMENT	Garage Satellite Antenr Window replace Re-roofing	Pte na ement SALCON	ase tick relevant boxes
	DESCRIPTION O Extension Dormer /Velux wind Boundary Fence/M Driveway Other (please spec Does the proposal in Have there been ar If yes, what type:	F PROPOSITIONS Idows Idows	ED DEVELOPMENT	Garage Satellite Antenr Window replace Re-roofing	Pte na ement SALCON	ase tick relevant boxes

5.	PROPOSED EXTERNAL BUILDING MAT		Please give details		
	Outside Walls No. CHANGE Boundary Walls. (Fences, walls etc.)	Roof Covering	Ne	CHANA	je
	Boundary Walls. (Fences, walls etc.)	No	CHANGE	£	
6.	PARKING			-	
	Number of existing parking spaces on site (include any garages)				
	Number of proposed parking spaces on site (include any garages)				
		(The above	information s	hould be show	vn on a scale plan)
7.	Trees				
	Are there any trees on or adjacent to the ap	plication site?	YES]	NO 🗹
	If yes, please mark the trees on the plans a	nd indicate if any are to t	be cut back	or felled.	

