

Agenda



Planning Committee

Date: Wednesday, 17 April 2024

Time: 10.00

Venue: Civic Space, Council Offices, 16 Church Street, Dumbarton G82 1QL

Contact: **Email: Nicola Moorcroft, Committee Officer**
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Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)
Councillor Gurpreet Singh Johal (Vice Chair)
Councillor Ian Dickson
Councillor Daniel Lennie
Provost Douglas McAllister
Councillor June McKay
Councillor Karen Murray Conaghan
Councillor Chris Pollock
Councillor Hazel Sorrell
Councillor Sophie Traynor

All other Councillors for information

Date of Issue: 4 April 2024

PLANNING COMMITTEE
WEDNESDAY, 17 APRIL 2024

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have any interests in the items of business on this agenda and the reasons for such declarations.

3 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

4 MINUTES OF PREVIOUS MEETING 5 - 12

Submit for approval, as a correct record, the Minutes of the Meeting of the Planning Committee held on 13 March 2024.

5 PLANNING APPLICATIONS

Submit reports by the Planning, Building Standards and Environmental Health Manager, in respect of the following Planning applications:

(a) DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure (in principle) at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group. **To Follow**

(b) DC23/120/FUL: Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham **13 - 20**

6 STREET NAMING AND NUMBERING POLICY To Follow

Submit report by the Planning, Building Standards and Environmental Health Manager, regarding the above.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, Clydebank, on Wednesday, 13 March 2024 at 10.02 a.m.

Present: Councillors Karen Murray Conaghan, Lawrence O'Neill and Chris Pollock.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Amy Melkevik, Lead Planning Officer; Nigel Ettles, Principal Solicitor and Lynn Straker, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Gurpreet Singh Johal, Daniel Lennie, Hazel Sorrell and Sophie Traynor.

Councillor Lawrence O'Neill in the Chair

MINUTE OF SILENCE

A Minute of Silence was held in remembrance of the Clydebank Blitz.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 14 February 2024 were submitted and approved as a correct record, subject to the Chair of that meeting being amended from Councillor Lawrence O'Neill to Councillor Gurpreet Singh Johal.

NOTE OF VISITATIONS

A Note of Visitations carried out on 12 February 2024, a copy of which forms

Appendix 1 hereto, was submitted and noted.

Note: Councillors Ian Dickson and June McKay advised that they would not take part in consideration of the following item of business as neither had been present at the meeting of the Planning Committee held on 14 February 2024.

PLANNING APPLICATIONS

With reference to the Minutes of Meeting of the Planning Committee held on 14 February 2024, a report was re-submitted by the Planning, Building Standards and Environmental Health Manager, in respect of the following Planning application:-

DC23/177/FUL: Erection of single wind turbine, 30m hub and 43m tip, access track, substation and associated works at land to East of Broomhill Wood, Bonhill, Alexandria by Mr Harris Smith.

It was noted that, at its meeting on 14 February 2024, the Committee had agreed to continue its consideration of this matter in order to allow the applicant to attend and answer questions from Members. Reference was made to a site visit which had been undertaken in respect of the application. After discussion and having heard the Planning and Building Standards and Environmental Health Manager and the Development Management Team Leader in further explanation, the Applicant, Mr Harris Smith, and his solicitor, Mr Waseem Hussain, were heard in answer to Members' questions.

After further discussion, the Committee agreed to refuse planning permission citing Policy 6 and Policy 8 as detailed in Appendix 1 of the report in their reasoning for refusal. The applicant was advised they retained their right of appeal regarding the decision.

VALEDICTORY – IRENE MCKECHNIE

Councillor O'Neill, Chair, requested that formal thanks be recorded to Irene McKechnie, who was due to retire later this month after 37 years of distinguished service to the Council. Councillor O'Neill thanked her for her dedicated work and commitment to the Planning Committee and wished her a long and happy retirement.

The meeting closed at 10.49 a.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 12 FEBRUARY 2024

Present: Councillors Lawrence O'Neill and Chris Pollock.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager and James McColl, Development Management Team Leader.

SITE VISITS

Site visits were undertaken in connection with the undernoted planning applications:-

Old Carman Water Works Site, Cardross Road, Renton, Dumbarton

DC23/210/PPP: Erection of three dwelling houses (in principle) by Mr J McDougal.

Land to East of Broomhill Wood, Bonhill, Alexandria

DC22/190/FUL - Erection of single wind turbine, 30m hub and 43m tip, access track, substation, agricultural shed and associated works by Mr Harris Smith.

DC23/177/FUL: Erection of single wind turbine, 30m hub and 43m tip, access track, substation and associated works at land to East of Broomhill Wood, Bonhill, Alexandria by Mr Harris Smith.

GRANT full planning permission subject to the following conditions:-

1. The planning permission for the wind turbine hereby granted shall be for a maximum period of 25 years and 6 months from the date of the permission. This period consists of a 25 year period of operation of the turbine followed by a 6 month period for removal of the turbine, ancillary equipment, associated hard standing and access track and restoration of the site to its former condition, or other such condition as agreed in writing as acceptable to the Planning Authority in accordance with the terms of Condition 6 below.
2. Unless otherwise agreed in writing by the Planning Authority, should the turbine cease to generate electricity for a continuous period of 6 months, the turbine, ancillary equipment, associated hard standing and access track shall be removed. Restoration of the site to its former condition, or other such condition as agreed in writing as acceptable to the Planning Authority in accordance with the terms of Condition 6 below, shall thereafter take place within 6 months.
3. All external colours of the turbine and associated equipment cabinet shall be agreed with the Planning Authority prior to the commencement of works and shall be implemented as approved.
4. No turbine, transformer building or any other above ground infrastructure shall be illuminated or display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.
5. Within one year of the date of this consent, the turbine operator shall submit an Outline Decommissioning, Restoration and Aftercare Scheme (the Outline Decommissioning Scheme) for the Turbine development, for the written approval of Planning Authority. The Outline Decommissioning Scheme shall include (but not necessarily be limited to) details of:
 - a) Works for the decommissioning and removal of the turbine (together with the foundations to a depth of at least one meter) and all above ground ancillary infrastructure and equipment;
 - b) The treatment of any ground surfaces including access tracks, hardstanding areas and any sub-surface elements including cabling to restore the site to its former condition, or other such condition as is agreed in writing by the Planning Authority;
 - c) Environmental management provisions, including waste management;
 - d) A decommissioning timetable;
 - e) Appropriate aftercare following site restoration; and

- f) How and when the Outline Decommissioning Scheme will be reviewed during the operational life of the development.

The approved Outline Decommissioning Scheme shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

6. No later than 12 months prior to the decommissioning of the development, or the expiration of the 25 year period of operation (whichever is earlier), a detailed Decommissioning, Restoration and Aftercare Scheme, which takes account of the latest version of the Outline Decommissioning Scheme (approved under Condition 5) and which also takes into account of the current best environmental practice, shall be submitted to and approved in writing by the Planning Authority.

The development shall be decommissioned, the site restored and aftercare thereafter in accordance with the scheme approved as part of this condition, unless otherwise agreed in writing in advance by the Planning Authority.

7. Unless otherwise agreed in writing by the Planning Authority, if the wind turbine fails to generate electricity for a continuous period of 12 months, the turbine shall be deemed to have ceased to be required, and a scheme that takes cognizance of Condition 6, setting out how the wind turbine and associated infrastructure will be removed from the site, the ground restored and aftercare carried out, shall be submitted for the written approval of the Planning Authority no later than one month after the date of the expiry of the 6 months.

The scheme approved shall be implemented within 12 months of the date of its approval.

8. In order to ensure compliance with Condition 7, the wind turbine operator shall submit 12 monthly generation and output figures to the Planning Authority to evidence that the turbine is continuing to generate electricity and the 12 monthly reporting cycle shall commence from the date the turbine is commissioned (turned on).

9. Notwithstanding the approved plans, all recommendations within the Preliminary Ecological Appraisal dated December 2022 shall be followed to the satisfaction of the Planning Authority.

10. That prior to works commencing on site a traffic management plan indicating the proposals for the construction and delivery of the turbine and all associated construction material shall be submitted to the Planning Authority for their written approval, and shall thereafter be implemented as approved. The statement shall include the following information:

- a) The intended turbine transportation route including swept path analysis, timings and methodology.
- b) All temporary works including relocation of signs, guardrails, bollards, street furniture and all temporary measures.

- c) Any alteration to the public road network.
 - d) Details of the construction compound including staff car parking.
 - e) Details of proposed signage during the delivery and construction period.
 - f) Any necessary mitigation.
 - g) Details of the type, weight, frequency and number of delivery and construction vehicles inclusive of those delivering all associated construction materials, for example, hardcore and associated tonnage.
 - h) Details of wheel washing facilities.
 - i) A condition report based on a joint survey of the proposed route to ensure that all temporary alterations and any damage to the road network are made good.
11. No development shall take place within the development site until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted by the applicant and agreed in writing with the Planning Authority in consultation with the West of Scotland Archaeology Service prior to the commencement of the watching brief.
- The name of the archaeological organisation retained by the developer shall be given the Planning Authority in writing prior to any works on site.
12. Prior to the commencement of development full details of the surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved prior to the occupation of the building. The drainage system shall incorporate the principles of Sustainable Drainage Systems within its design, and shall thereafter be implemented as approved.
13. In accordance with ETSU- R- 97 (Simplified Method) the noise from the wind turbine shall not exceed an LA90(10min) of 35dB at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 10 metres per second at 10m height as measured within the site.
14. Prior to the installation of the turbine, the developer shall submit a report for approval by the Planning Authority which demonstrates compliance with the noise limits in Condition 13 above. The report shall be prepared in accordance with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.
15. Prior to the installation of the turbine, the applicant shall provide written confirmation to the Planning Authority that the noise from turbine operation will be broad-band with no discernible tonal characteristics.

16. Within 14 days from the receipt of a written request from the Planning Authority or following a complaint to the Planning Authority from the occupant of a dwelling regarding noise from the wind turbine operation, the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following procedures to be agreed with the Planning Authority. The wind turbine operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 28 days of the date of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority. The wind turbine operator shall take such remedial action as required by the Planning Authority.
17. Wind speed, wind direction and power generation data shall be continuously logged and provided to the Planning Authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.
18. No development shall commence on site until details of a nominated person have been submitted in writing to the Planning Authority for the development who will act as a point of contact for local residents (in connection with conditions 13 - 17), together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.
19. During the period of construction, all works and ancillary operations (including piling) which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
- | | |
|------------------------------|------------|
| Mondays to Fridays: | 0800-1800 |
| Saturday: | 0800-1300 |
| Sundays and public holidays: | No working |
20. During the period of construction no delivery or removal of material from the site shall take place outwith the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays unless otherwise approved in writing by the Planning Authority.
21. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. No further development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This

statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.

22. Before any further plant and machinery is used on the premises it shall be enclosed with sound insulating material in accordance with a scheme which shall first be approved in writing by the Planning Authority. The sound insulation measures shall thereafter be retained.
23. Within 14 days from the receipt of a written request from the Planning Authority or following a complaint to the Planning Authority following a complaint alleging shadow flicker nuisance, the wind turbine operator shall at the wind turbine operator's expense:
 - a) Employ an independent consultant approved by the Planning Authority to assess the conditions likely to be causing the incidences of shadow flicker to which the complaint relates.
 - b) Within 28 days of receipt of the written request from the Planning Authority, the wind turbine operator shall submit to the Planning Authority, the independent consultant's report on shadow flicker, detailing any amendments to the operation of the wind turbine necessary to mitigate any further incidences of shadow flicker, for the written approval of the Planning Authority. The turbine shall thereafter operate in accordance with the amendments to operation as approved.
24. Notwithstanding the approved plans, and prior to any works on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 17th April 2024**

DC23/120/FUL: Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham.**1. REASON FOR REPORT**

- 1.1** An elected member has requested the application to be determined by the Planning Committee and this has been agreed in conjunction with the Convenor of the Planning Committee and the appointed officer. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant planning permission** subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site comprises a two storey, semi-detached dwellinghouse situated on the northern side of Broomhill Crescent in Bonhill, Alexandria. Externally the dwellinghouse is finished in a mix of brown facing brick and cream dry casted render for the external walls and a brown, concrete tiled roof. The property benefits from front and rear garden areas together with a driveway and shed located to the side. The rear gardens within this part of Broomhill Crescent are steeply sloped upwards from the rear dwellinghouses. The dwellinghouse is situated within a well-established residential area with a variety of dwellinghouses of a similar design theme. An area of woodland lies to the rear.
- 3.2** An area of timber decking has been erected to the rear of the dwellinghouse. From the rear of the house, the decking extends from the rear wall by 3.8m and at a height level to the rear door of the dwellinghouse. This element of the decking would not alone require the benefit of planning permission. Two elevated sections of decking (lower and upper) have been constructed over the steeply sloping section of the garden. A set of stairs leads from the ground level to the lower deck. The platform of this deck sits 1.47m above the level of the ground level deck with the addition of the balustrade giving a total height of 2.44m. The lower deck measures 2.79m in depth. From this level there is a further set of stairs to the upper deck. The platform of the upper deck sits 1.13 m above the level of the lower level

deck. The upper deck measures 2.74m in depth. As part of the application process, the upper deck has been amended to include a large planter which covers the majority of the area of the upper deck. It is further proposed to construct a new timber screen fence to the boundary with 59 Broomhill Crescent. The fence is situated upon the upper and lower deck levels and measures 1.8m in height from the platform of each deck level.

- 3.3** The deck itself has already been constructed and was subject of a planning enforcement enquiry. As such the application is considered in retrospect. The boundary fence and planter at the upper deck have, however, not been constructed.

4. CONSULTATIONS

- 4.1** None required.

5. REPRESENTATIONS

- 5.1** Representations have been received from four neighbouring residents. Three of these indicate support and one sets out an objection to the proposal across three separate submissions. The full details are contained within the planning file and are available for public viewing. However, the points raised can be summarised as follows:

5.2 In objection:

- Concerns regarding the height of the deck;
- The height of the decking and privacy fence looks over the objector's garden creating a feeling of enclosure;
- Proximity and height of the deck means that from the decking there are full, uninterrupted elevated and close views of the objector's garden, kitchen, upper rear bedroom and bathroom;
- Overshadowing and loss of daylight created;
- The decking covers 100% of the rear garden and therefore is not in keeping with local development. Whilst there are other decks within the estate, none are of this scale;
- Inaccuracies within the plans meaning the existing raised ground level has not been included within the measurements;
- Changing the top tier to planting will mean that maintenance is required;
- The size of the "planting deck" is excessive;
- The deck is a fire risk; and
- Impression on potential buyers should the objector try to sell their property.

- 5.3** The representations in support highlight that those submitting the supporting comments have no concerns or objections to the application proposal.

- 5.4 The matters of concern raised above are addressed in Section 7 below.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

National Planning Policy 4

- 6.1 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale as per Policy 14. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported in accordance with Policy 14. Policy 16 supports householder development proposals where they do not have a detrimental impact upon the character of the property and surrounding area, and do not have a detrimental effect upon neighbouring properties.

- 6.2 The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. Based on that assessment, it is concluded that the proposal is in accordance with NPF4.

West Dunbartonshire Adopted Local Plan 2010

- 6.3 Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design and the effect on privacy is highlighted. Considering residential amenity, Policy H5 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas at all times.
- 6.4 The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1 On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.

- 7.2** Policy CP1 of LDP2 seeks to ensure that all development takes a design lead approach and seeks to protect and enhance the amenity of existing communities. Policy H4 sets out that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all time. It is considered that the proposal presents no conflict with the relevant policies of LDP2.

Principle of Development

- 7.3** The erection of an area of timber decking within the rear curtilage of a dwellinghouse situated within an established residential area is acceptable in principle subject to all material considerations being addressed. This type of development is commonly found within residential areas and the development in principle complies with the adopted and proposed Plan.

Design and Appearance

- 7.4** The decking, whilst large in nature, is located within a rear curtilage. The rear gardens in this part of Broomhill Crescent rise steeply upwards towards an area of tree planting which is a designated Tree Preservation Order dating from 1952. Whilst glimpses of the decking can be seen from the street, between the houses, due to the incline of the gardens and the tree cover behind, the decking is not out of keeping with the visual appearance of the area from any public vantage points. Whilst large in scale, covering the whole of the rear garden grounds, the deck has provided additional usable space for the applicant within a garden, the usability of which is severely limited by its topography.
- 7.5** The design of the decking has altered slightly through the planning application process. Originally the design saw decking extending from the rear of the dwellinghouse and up a further two levels. Whilst the two levels remain the top level design is proposed to be altered to include a large planter covering the majority of the level. This would prevent the day to day use of the most elevated part of the deck, including as a seating area for example.

Impact on Residential Amenity

- 7.6** In assessing areas of raised decking, a balance must be sought between the creation of an outside area for residents to relax and enjoy good weather, and ensuring that neighbouring residents are not unacceptably disturbed by any activity associated with the decking and the transference of activity directly from the house to the decking. It must be ensured that the decking is not of a size that affords residents the opportunity to undertake a wide range of functions throughout extensive periods of the day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens. The rear garden has an approximate footprint of 75sqm which is an average sized garden. However, approximately 45sqm of this is steeply sloped leaving only 30sqm of garden

space. The addition of the lower level deck adds 22sqm to the usable space of the garden with the top level being used as a planting area. It is not considered that an area of decking of this size would result in a level of activity that could unacceptably disturb neighbouring residents.

- 7.7** The second amenity consideration in this case is that of overlooking and loss of privacy. It must be considered whether the decking constructed leads to additional and unacceptable overlooking and loss of privacy beyond the established position. Neighbouring residential properties lie to both sides the application site and a degree of overlooking and intervisibility between properties already occurs from upper windows. The steeply sloping nature of the rear gardens at this location also results in any resident being able to access an elevated position within their garden and this results in additional overlooking and intervisibility between properties. The decking erected must be considered in this context. The decking covers 100% of the garden space and is on the boundary of both neighbouring properties. It is proposed that a fence is added to both raised levels of decking at a height of 1.8m in height between numbers 57B and 59. In addition, as mentioned, the top level has been amended to ensure that it does not function as a widely usable space including as a seating area which could have the potential to unacceptably disturb neighbouring residents due to the elevated position. Whilst a degree of overlooking occurs between the properties, due to the pre-development slope of the garden, it would always have been possible for those residing at 57B to be at an elevated position within the garden and view the rear of neighbouring properties. The removal of the top deck as a useable space and the addition of boundary fencing strikes a balance between creating usable space for the application site as well as limiting overlooking between properties. As such it is considered that no unacceptable levels of overlooking are created.
- 7.8** Overall, it is considered that the decking constructed would not result in any unacceptable overlooking and loss of privacy beyond the established position and accordingly no unacceptable impact on the privacy and amenity of neighbouring residents occurs.
- 7.9** When viewed from the neighbouring garden of 59 Broomhill Crescent, the deck sits at a higher level than anything within that garden. However, as the garden of 57B is steeply sloped the deck does sit upon existing ground levels at points. It is the addition of the privacy screening which increases the height significantly. Given the concerns raised by the neighbouring property regarding privacy, it is considered that whilst the fence does increase the height of the development, particularly as seen from neighbouring gardens, it is an essential part of the development in order to reduce impacts on privacy. On balance, there are no concerns of the height of the deck and fence as proposed. Due to the proposals location to the

west of the objector's garden it is not considered that any overshadowing will be created.

Representations Received

- 7.10** A range of matters were raised in the objections received, many of which are already addressed as part of the main assessment set out above. In considering the points not already addressed above, concerns have been raised that changing the top deck to include a planter will require maintenance. Whilst this is accurate, the garden slope was previously grassed which would also have required maintenance. The size of the planter has been noted by the objector as being excessive. This has been done in order that the top deck is not a usable space for the applicant to sit. This elevated position provides the best views of neighbouring properties and as such the large size is proposed as a compromise to limit the time spent upon this level.
- 7.11** Inaccuracies within the plans meaning the existing raised ground level has been noted as the ground level has been highlighted. Whilst the drawings do not specifically note the level at which the deck sits above what was existing ground level before the deck was erected, the application is in retrospect and as such the impact of the deck can be fully seen.
- 7.12** As is assessed above, it is concluded that that no additional and unacceptable overlooking, loss of privacy, overshadowing or loss of daylight arises as a result of the decking constructed. Any perceived impact upon property values or impressions to prospective buyers is not a material planning consideration. Concerns regarding fire risk are noted but these alone would not warrant the refusal of a planning application.
- 7.13** The representations in support are noted inclusive of the view that the adjoining property has no concerns regarding the proposal.

8. CONCLUSION

- 8.1** With the proposed modifications to the upper level and addition of screen fencing to the boundary with no.59, it is considered that the decking erected is acceptable both visually and in respect of the amenity of neighbouring residents. The development also presents no conflict with both the adopted West Dunbartonshire Local Plan together with the proposed West Dunbartonshire Local Development Plan 2 as well as National Planning Framework 4.

9. CONDITIONS

1. Notwithstanding the approved plans, the planter located on the upper deck as detailed in drawing PL-806-01 Rev B Original, Existing & Proposed Site

Plans & Sections, shall be created within 8 weeks of the granting of this permission. Thereafter the planter shall remain in place upon the deck for the lifetime of the development.

2. Notwithstanding the approved plans, the boundary screen fence as detailed in drawing PL-806-01 Rev B 'Original, Existing & Proposed Site Plans & Sections', shall be erected within 8 weeks of the granting of this permission, with the final design and location details agreed in writing with the Planning Authority prior to erection. Thereafter the boundary fence shall remain in place upon the deck for the lifetime of the development.

Pamela Clifford

Planning, Building Standards and Environmental Health Manager

Date: 17th April 2024

Person to Contact:

Pamela Clifford, Planning & Building Standards
Manager

Email: Pamela.Clifford@west-dunbarton.gov.uk

James McColl, Development Management Team
Leader

Email: James.McColl@west-dunbarton.gov.uk

Appendix:

Location Plan

Background Papers:

1. Application forms and plans
2. Representations
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local
Development Plan 2 2020, as amended

Wards affected:

Ward 2 (Leven)

