

## **LOCAL REVIEW BODY**

At a Meeting of the Local Review Body held in the Education Centre, St. Margaret of Scotland Hospice, East Barns Street, Clydebank on Tuesday, 1 February 2011 at 2.00 p.m.

**Present:** Provost Denis Agnew, Councillors Jim Brown, Geoff Calvert and Douglas McAllister.

**Attending:** Alan Williamson, Planning Adviser; Nigel Ettles, Legal Adviser and Fiona Anderson, Committee Officer, Legal, Administrative and Regulatory Services.

**Also Attending:** Mr Owen Sayers, Applicant; Mr David Findlay, Agent; and Pamela Clifford, Planning and Building Standards Manager.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Gail Casey, Jim Finn, Jonathan McColl, Willie McLaughlin and Marie McNair.

### **Councillor Douglas McAllister in the Chair**

#### **WELCOME AND INTRODUCTION**

Councillor McAllister, Chair, welcomed everyone to the meeting and introduced the Elected Members and Officers present.

The Chair then explained how the meeting would proceed.

#### **DECLARATIONS OF INTEREST**

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

#### **MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Local Review Body held on 2 November 2010 were submitted and approved as a correct record.

## **APPLICATION FOR REVIEW: DC10/252/FUL**

Review papers were submitted for Planning Application DC10/252/FUL - Demolition of existing house and erection of replacement dwellinghouse at Anbarda, Old Dalnottar Road, Old Kilpatrick.

The Planning Adviser advised the Committee that the matter brought before the Local Review Body related to a planning application submitted on behalf of Mr Owen Sayers which sought permission for the demolition of the existing house and erection of a replacement dwellinghouse at Anbarda, Old Dalnottar Road, Old Kilpatrick.

He stated that the application related to the demolition of an existing 1930s style detached bungalow which is understood to be in poor internal condition which has been vacant for a number of years and is currently boarded up and covered with graffiti; and the erection of a 1½ storey detached house. The plot currently extends to approximately 630 square metres and is bounded by a hedge and a wooden fence.

He advised that the current proposal sought to reduce the size of the plot to approximately 400 square metres with the remainder of the garden ground becoming additional garden ground for the neighbouring property which is owned by the applicant. Internally the new property would have four bedrooms on the upper level, a dining kitchen, family room, lounge and rear conservatory on the ground floor. Each of the bedrooms on the upper level would have a hipped dormer window with two on the front elevation and two on the rear elevation. Externally the property would be finished in dry dash render and interlocking concrete roof tiles. A driveway with space for 3 cars would be formed at the side of the house.

The Planning Adviser outlined Policy H4: Housing Development Standards; and Policy H5: Development within Existing Residential Areas of the West Dunbartonshire Local Plan 2010 which are the policies against which the proposed development is to be assessed.

The Committee was shown an electronic presentation showing the application site and the surrounding area and, in particular, the adjacent garden ground for the neighbouring property which is owned by the applicant.

The Planning Adviser confirmed that there had been no representations in relation to the proposed development and also that West Dunbartonshire Council Environmental Health and Roads Services, and Scottish Water all had no objections to the proposal.

The Planning Adviser was heard in further explanation of the reasons for refusal of the original application. It had been considered that the proposal was contrary to Policies H4 and H5 of the West Dunbartonshire Local Plan, as it would result in the erection of a large dwellinghouse with an unacceptably small private rear garden with insufficient room to allow for future extension and with resultant overlooking of the neighbouring garden land to the rear. The proposal would therefore be overdevelopment and would detract from the amenities of both the new and the neighbouring properties.

Following discussion and having heard the Planning Adviser in response to Members' questions, the Local Review Body agreed:-

- (1) to note that there were variable building lines along Old Dalnottar Road;
- (2) to note that West Dunbartonshire Council had no adopted standards for garden ground;
- (3) to note that Policy H4 is more relevant to new build housing developments than to the replacement of a single dwellinghouse;
- (4) to note that the Planning Adviser had confirmed that Policy H5 better encapsulated the relevant issues; and
- (5) to note that the Appointed Officer who had determined the application under delegated powers had no problem with the scale and character of the house but had considered the size of the rear garden ground insufficient to allow for any future extension of the house under permitted development rights.

The Chair, Councillor McAllister, thanked the Planning Adviser for his contribution and invited the Local Review Body Members to comment on whether they had enough information to enable them to determine the review. Following discussion, the Members agreed that they now had sufficient information.

The Legal Adviser and the Planning Adviser were heard in response to Members' questions and guidance was sought from the Planning and Building Standards Manager, who was present at the meeting as an observer, regarding clarification on permitted development rights and distance from the boundary.

The Planning Adviser reminded the Members that review was of the planning application which had originally been submitted.

Having heard the Chair and having considered all of the information before them, the Local Review Body concluded that the proposal was not contrary to Policies H4 and H5 of the West Dunbartonshire Local Plan, would not constitute overdevelopment and would not detract from the amenities of the new and neighbouring properties. The Local Review Body unanimously agreed to reverse the determination of the appointed officer and to grant planning permission subject to the recommended conditions, as detailed in Appendix 1 hereto.

The Chair, Councillor McAllister, then confirmed that a decision letter to this effect would be sent to the applicant.

The meeting closed at 2.45 p.m.

**APPLICATION FOR PLANNING PERMISSION CONSIDERED BY THE LOCAL REVIEW BODY ON 1 FEBRUARY 2011**

**Planning Application DC10/252/FUL – Demolition of existing house and erection of replacement dwellinghouse at Anbarda, Old Dalnottar Road, Old Kilpatrick.**

**Permission GRANTED subject to the following conditions.**

1. The development hereby approved shall commence within a period of 3 years from the date of this consent.

**Reason** To comply with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.

**Reason** To ensure that the materials are appropriate to the character of the area and sympathetic to established finishing materials in the area.

3. Prior to the occupation of the dwelling hereby approved, the car parking spaces shown on drawing AL(0)01A shall be completed to their finished standard. Thereafter, these spaces shall be retained for the parking of vehicles.

**Reason** To facilitate the orderly parking of vehicles on the site and to minimise the incidence of roadside parking which could be a danger to other road users.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, and any subsequent orders amending, revoking or re-enacting that order, no gates capable of being opened outwards over the public road or footpath shall be installed across the driveway.

**Reason** In the interests of road safety.

5. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented within a timescale agreed with the Planning Authority.

**Reason** In the interests of visual amenity and to ensure that the materials to be used are appropriate to the character of the area.

6. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented within a timescale agreed with the Planning Authority.

**Reason** To ensure that the boundary treatments are appropriate to the character of the area and sympathetic to established finishing materials in the area.

7. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason** In order to avoid disturbance to nearby residential properties.

8. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out.

**Reason** In the interests of public health and to ensure that the site is suitable for the proposed end use.

9. 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.