

Agenda



Local Review Body

Date: Tuesday, 27 June 2023

Time: 14:00

Venue: Civic Space, 16 Church Street, Dumbarton

Contact: Nicola.moorcroft@west-dunbarton.gov.uk
committee.admin@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Local Review Body** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSET

Chief Executive

Distribution:-

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

All other Councillors for information

Date of issue: 15 June 2023

LOCAL REVIEW BODY

TUESDAY, 27 JUNE 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 APPLICATION FOR REVIEW: DC21/246/FUL 7 - 36
96 DAGLEISH AVENUE, DUNTOCHER G81 6DZ

Submit review papers for the above application.

WEST DUNBARTONSHIRE COUNCIL

LOCAL REVIEW BODY

PROCEDURE TO BE FOLLOWED AT MEETING

1. The Chair will introduce himself and the Members of the Review Body.
2. The Planning Adviser will outline the details of the application.
3. The Members of the Local Review Body will then ask any appropriate questions to the officers present, i.e. Planning Adviser of the Local Review Body and Legal Adviser.
4. If the Local Review Body then considers that there is sufficient information from the material before it, including the notice of review, the decision notice, and report of handling, and any further representations from interested parties, it may proceed to determine the review.
5. The Chair and the other Members of the Review Body will consider the information before them in terms of the submission by the applicant, the interested parties including any statutory consultees or other parties who have made representations and the report of handling.
6. If the Local Review Body decides that it requires further information or representations before it can determine the review they should agree what form this information should take, i.e.
 - Site visit
 - Written submissions
 - The holding of one or more hearing sessions
- 6.1 **Written Submissions:** The Local Review Body can request written submissions from the applicant or appointed officer, any other body or person they wish to receive information from. The Local Review Body should decide the matters on which the written submissions should address.
- 6.2 **Hearings:** If the Local Review Body decides that it wishes to hold a hearing in respect of the case, it should determine what matters it would wish to be considered at the hearing. The hearing will comprise of the applicant, any interested party who made representations in relation to specified matters, the appointed officer and any other body or person from whom the Local Review Body wishes to receive further representations or to provide information on specified matters.
- 6.3 **Site Inspection:** If the Local Review Body decides to hold a site visit, it must decide if the site visit is to be unaccompanied or accompanied by the applicant and any other party the Local Review Body considers should attend.

7. The Local Review Body can also agree to appoint an assessor to advise on specific matters generally of a specialist or technical nature. Where an assessor is appointed, those entitled to a hearing will be advised of the name of the assessor and the matters which they are appointed to advise on. The assessor may make a written report to the review body after the close of the hearing, which will be made publicly available.
8. After the written submissions, hearing or site inspection, the Local Review Body will move to determine the review and will outline their reasons to approve or refuse the review case.

APPLICATION FOR REVIEW:

DC21/246/FUL

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	96	Building No./Name	<input type="text"/>
Address Line 1	Dalglish Avenue	Address Line 1	<input type="text"/>
Address Line 2	Duntocher	Address Line 2	<input type="text"/>
Town/City	Clydebank	Town/City	<input type="text"/>
Postcode	G81 6DZ	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="West Dunbartonshire Council"/>		
Planning authority's application reference number	<input type="text" value="DC21/246/FUL"/>		
Site address	<input type="text" value="96 Dalglish Avenue, Duntocher, Clydebank, G81 6DZ"/>		
Description of proposed development	<input type="text" value="Request planning permission for new driveway in front half of front garden to allow for parallel parking. Driveway will have supporting wall at sides and the back, and also steps at the side nearest the pathway"/>		

Date of application

16/09/2021

Date of decision (if any)

17/02/2023

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. 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.

We dispute each one of the three reasons for refusal given in section 2 of the PLN Report of Hnadling i.e. "West Dunbartonshire Council Roads Service - Object to the proposal on grounds that it would negate any general on-street provision and could not be accessed without driving over the footway. The vehicle doors would also open over the public footway."

1. The parking convention - including marked disabled spaces - is that cars park on the other side of the street, therefore our driveway would actually improve the provision of on street parking
 2. All driveways in the street are accessed by driving over the footway.
 3. All vehicles parked in the street have their doors open over the public footway and it is questionable whether ours actually would when efficiently parked

Furthermore, cars occasionally park with all four wheels on the footway at our side which forces pedestrians onto the road, including those with wheelchairs, prams, children and elderly. Having our driveway would prevent cars from parking on the footway and therefore improve pedestrian safety. Please also note that all our neighbours are fully supportive of this application, particularly as it would improve their chances of on street parking

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

- a) To dispute the reasons for rejection
 - b) Because we thought it was made clear which side of the street cars parked
 - c) Because it challenges the reasons for rejection

9. 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

All documents and images submitted with original application DC21/246/FUL

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

PLANNING APPLICATION:

DC21/246/FUL

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
 The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying **Guidance Notes** when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	[Redacted]	Ref No.	[]
Forename	[Redacted]	Forename	[]
Surname	[Redacted]	Surname	[]
Company Name	[]	Company Name	[]
Building No./Name	[]	Building No./Name	[]
Address Line 1	96 Dalgleish Avenue	Address Line 1	[]
Address Line 2	Duntocher	Address Line 2	[]
Town/City	Clydebank	Town/City	[]
Postcode	G81 6DZ	Postcode	[]
Telephone	[Redacted]	Telephone	[]
Mobile	[Redacted]	Mobile	[]
Fax	[]	Fax	[]
Email	shauna1963@hotmail.com	Email	[]

3. Address or Location of Proposed Development (please include postcode)

96 Dalgleish Avenue, Duntocher, Clydebank, G81 6DZ

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Describe the Proposed Works

Please describe accurately the work proposed:

Request permission to build new driveway with retaining wall and steps in the front half of our front garden to allow for sideways car parking. Request permission for dropped kerbs parallel to the driveway to facilitate easy access.

Have the works already been started or completed

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: []

Date completed: []

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature:

Name:

Date:

31/07/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

We are requesting permission to build a driveway in the front half of our garden at 96 Dalgleish Avenue to facilitate sideways car parking for one vehicle. Street parking is becoming increasingly difficult due to the number of car owners in the area. Cars park on the opposite side of the street from our home, therefore we will be freeing up space for others. This will also allow easy access to the power supply in our home should we change to an electric vehicle.

THIS IS A TRUE COPY
 OF THE PLAN REFERRED
 TO IN THE ACCOMPANYING
 APPLICATION.

SIGNED: [REDACTED]
 DATED 30/08/2022

**PINELOAD
 DESIGNS.** 

77 JAMIESON GARDENS
 TILLCOUNTRY
 FR13 6EP TEL. 07748648901

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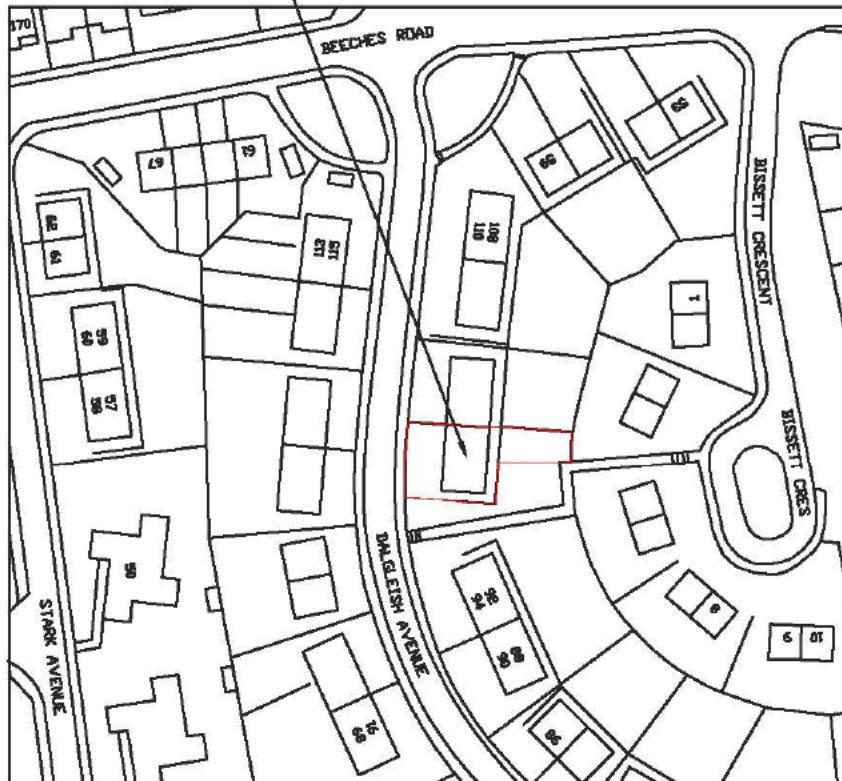
PROJECT.
 PROPOSED NEW DRIVEWAY ACCESS
 AND DROP KERB AT
 96 DALGLEISH AVENUE
 CLYDEBANK
 G81 6DZ

CLIENT.
 [REDACTED]
 96 DALGLEISH AVENUE
 CLYDEBANK
 G81 6DZ

DETAIL.
SITE LOCATION

Dwg.No. 2323A
 Scale. 1:1250

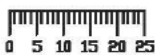
SITE



SITE LOCATION PLAN
 SCALED AT 1 : 1250



Indicative
 Only



SCALE IN METERS
 AT 1 : 1250

SPECIFICATION & NOTES

GENERAL STATEMENT

The Main Contractor will be responsible for materials delivered to site and storage of materials on site and for all temporary construction work e.g. scaffolding, ground retention in deep excavations, site propping of existing buildings and for the stability and structural integrity of work during construction, all down takings or demolitions in accordance with health and safety at work act 1974, the CDM regulations and BS 6187 - THE CODE OF PRACTICE FOR DEMOLITION; all building and construction material shall be new, good quality and fit for purpose, if the main contractor has any concerns about the existing building or new construction elements the main contractor MUST ACT to take the appropriate steps to avoid damage to existing buildings or new construction or human life. The main contractor is responsible for safety on site and on adjacent land, paths and access roads. All accidents, injuries and near misses will be recorded in the main contractor accident record book.

PREPARATION OF A SITE

Surface soil and vegetable matter can be detrimental to a building's structure therefore, before any work can commence, turf, vegetable matter, wood, roots and topsoil will be removed from the built footprint and immediate area, to a depth of at least that which will prevent later growth.

EXCAVATIONS

All foundations to bear on stratum capable of minimum ground bearing pressure of 75kN/m2. New foundations taken down to the level of the existing foundations or minimum 450mm below ground level (i.e. top of new foundations), whichever is greater.

FOUNDATIONS

Main external retaining wall foundations taken down to the level of the existing foundations or minimum 300mm below ground level (i.e. top of new foundations), main external wall foundations to be 600mm wide x 200mm deep.

EXTERNAL STEPS AND LANDINGS

All rises in a flight should be of uniform height, minimum 100mm and 170mm maximum rise, minimum going of 250mm, to have a maximum pitch of 34 Deg. The aggregate of the going and twice the rise should be at least 550mm and not more than 700mm. Minimum width of any external steps or landing to be 1.0m. Hand rails to steps and landing area to be 1100mm above level landing area and 900mm above rake of steps, hand rails must be installed to both sides if any area of landing or steps is 600mm or more above finished ground level. If landing area is part of a patio (slab, mono block or timber decking) the steps that exit this area to level garden or pathway if any will comply with the steps dimensions above, level landing will have a 1 in 40 run away from building to minimize the risk of ice forming.

LANDING AND STEPS PROTECTIVE BARRIER / HAND RAIL

Protective barrier to level landing 1100mm minimum above landing area and 900mm minimum above rake line of any external steps with maximum spacing of 99mm. Any protective barrier or any masonry that it is to be capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1. Protective barrier constructed from mild steel as indicated on elevations and sectional details, all electro welding to be 6mm fillet welds, fixing plates to masonry side of steps to be at maximum 900mm c/c and be fixed with 3 No. M10 Rawl CSB R650 resin anchors with 50mm embedment into masonry, all to be hot dip galvanized 80 microns D.F.T. before installation.

EXTERNAL STEP & LANDING FOUNDATIONS

600mm wide x 200mm deep C35 ready-mix concrete size indicated on drawings, shape as indicated on section, concrete foundation to be minimum 300mm below finished ground level, minimum 150mm screedment to be maintained at all times.

NEW DRIVEWAY

60 / 80mm mono blocks vibrated into 50mm sharp sand on 150mm well compacted type one hardcore, all finished driveway areas to have 1 in 40 run away from wall or building to drainage point.



77 JAMESON GARDENS
TILLCULTRY
FK13 6EP
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PROJECT:
PROPOSED NEW DRIVEWAY ACCESS
AND DROP KERB AT
96 DALGLEISH AVENUE
CLYDEBANK
G81 6DZ

CLIENT:
MRS MARGARET SHAUNA CONNOLLY
96 DALGLEISH AVENUE
CLYDEBANK
G81 6DZ

DETAIL:
SITE BLOCK PLANS, SECTIONS & DETAILS

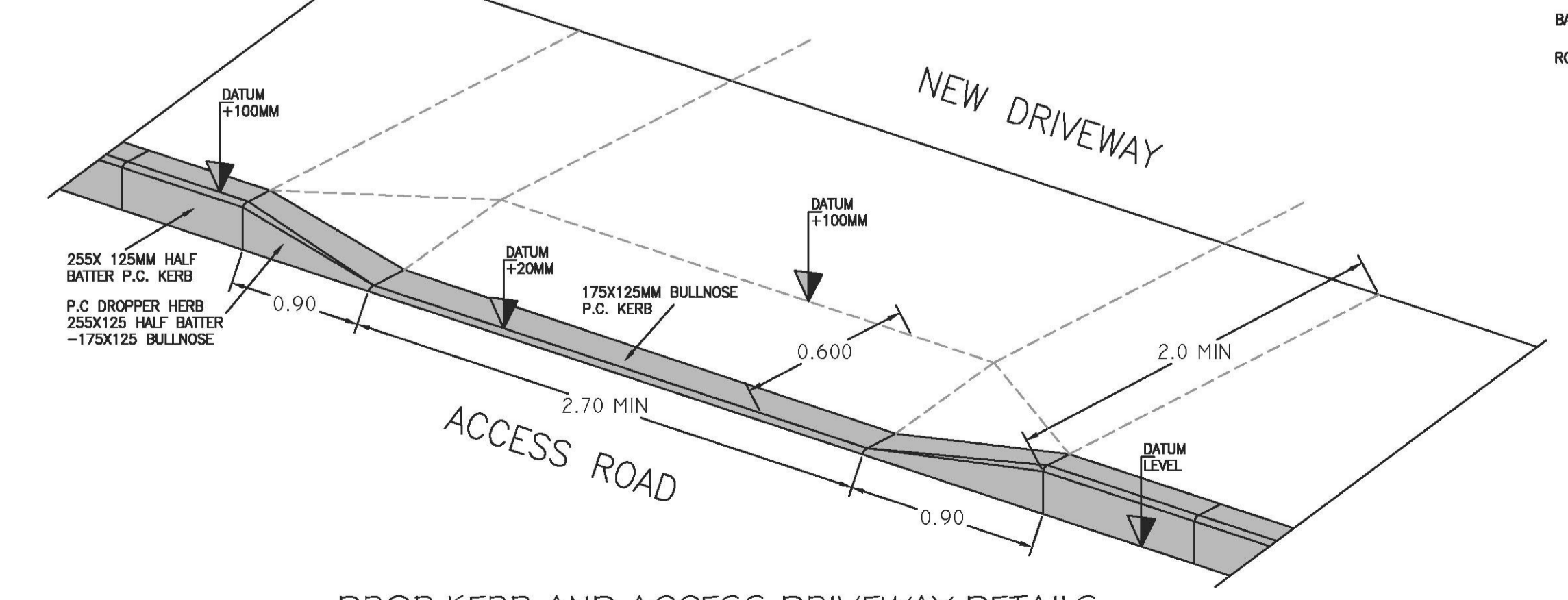
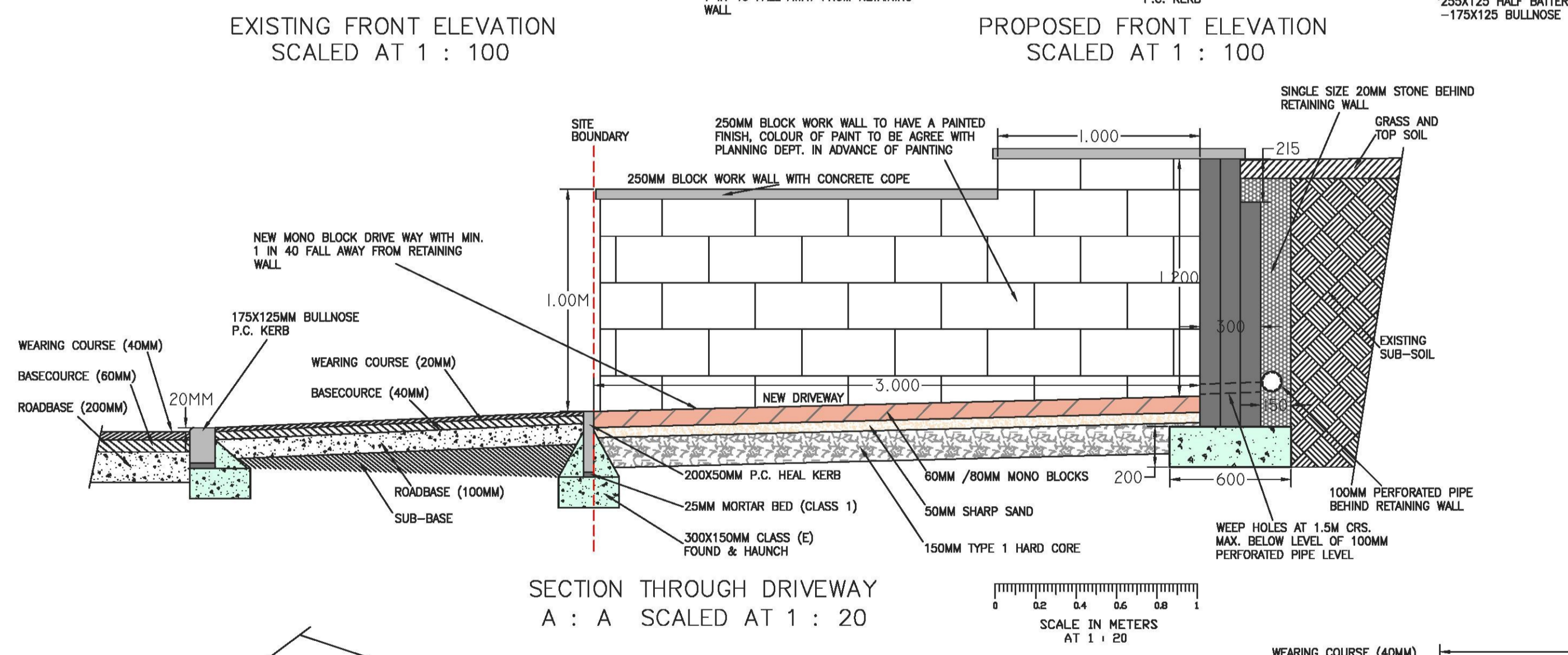
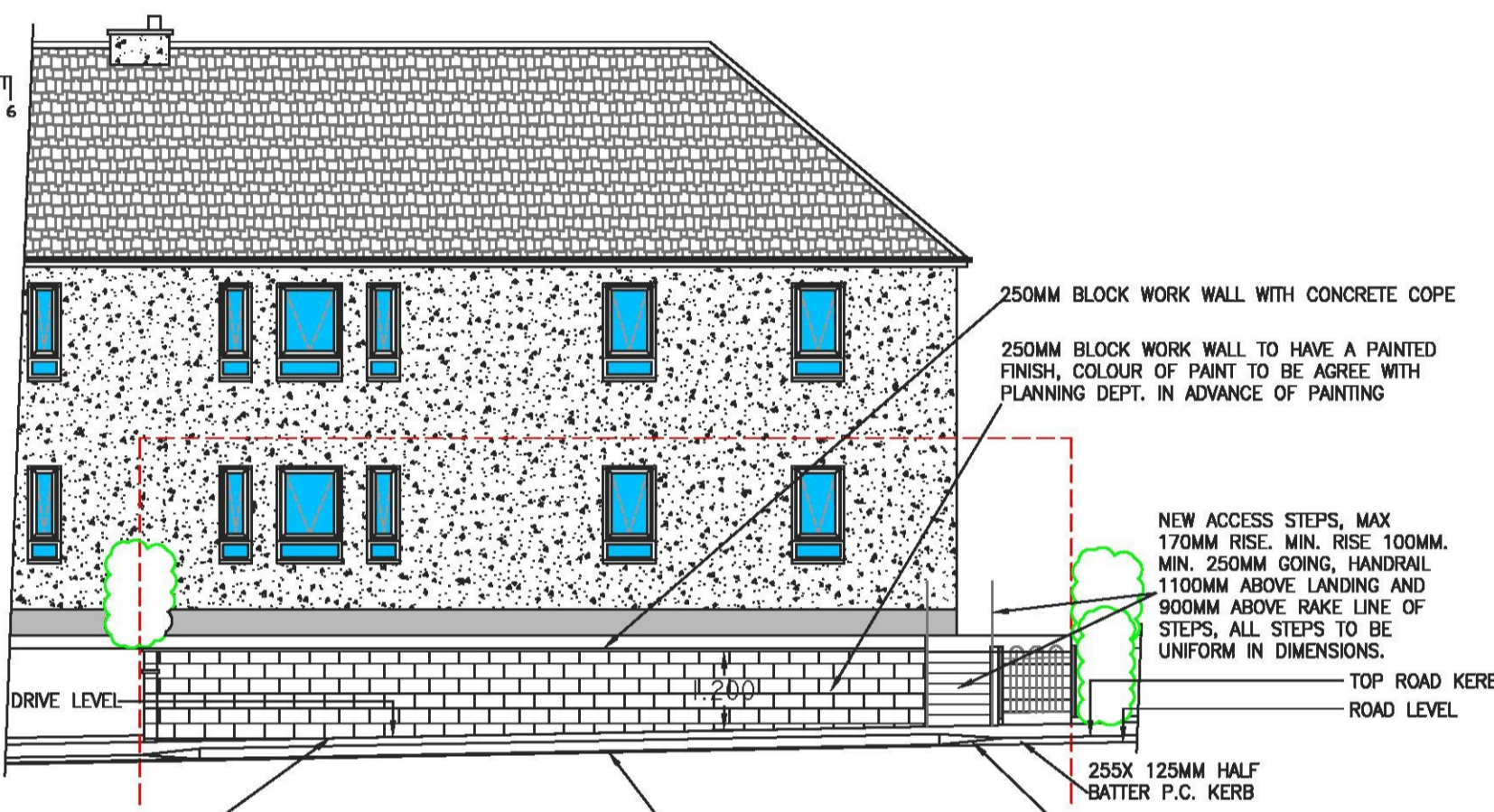
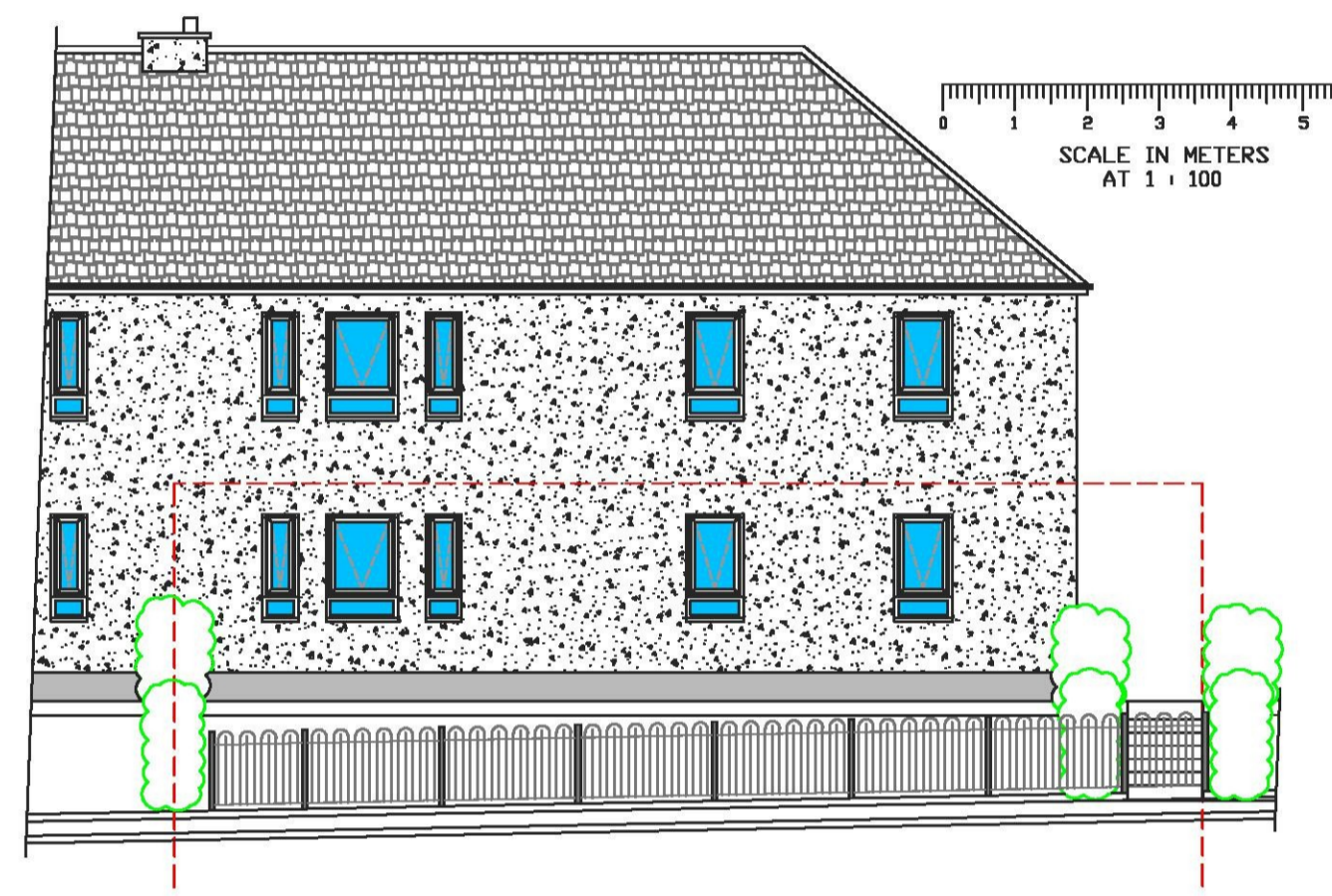
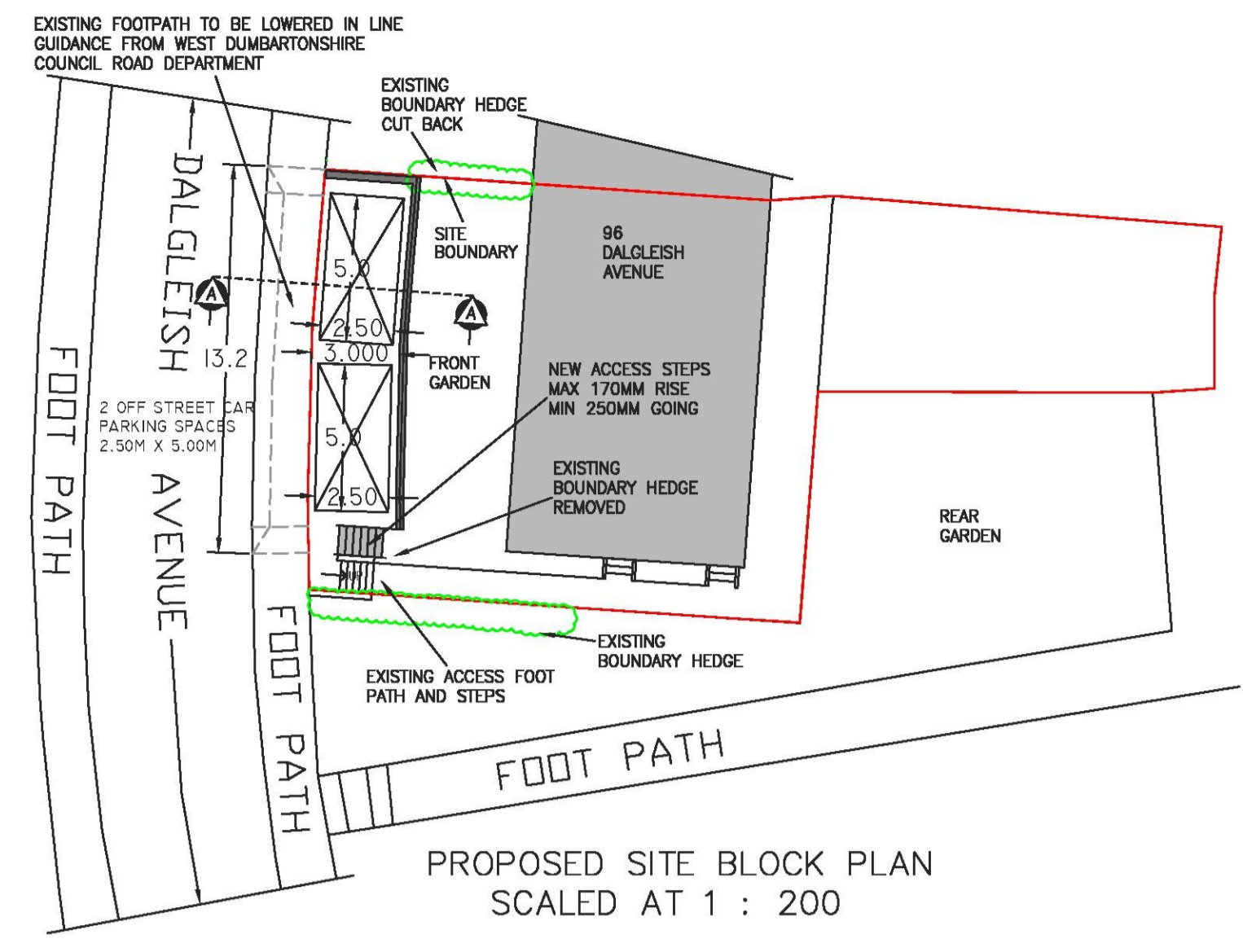
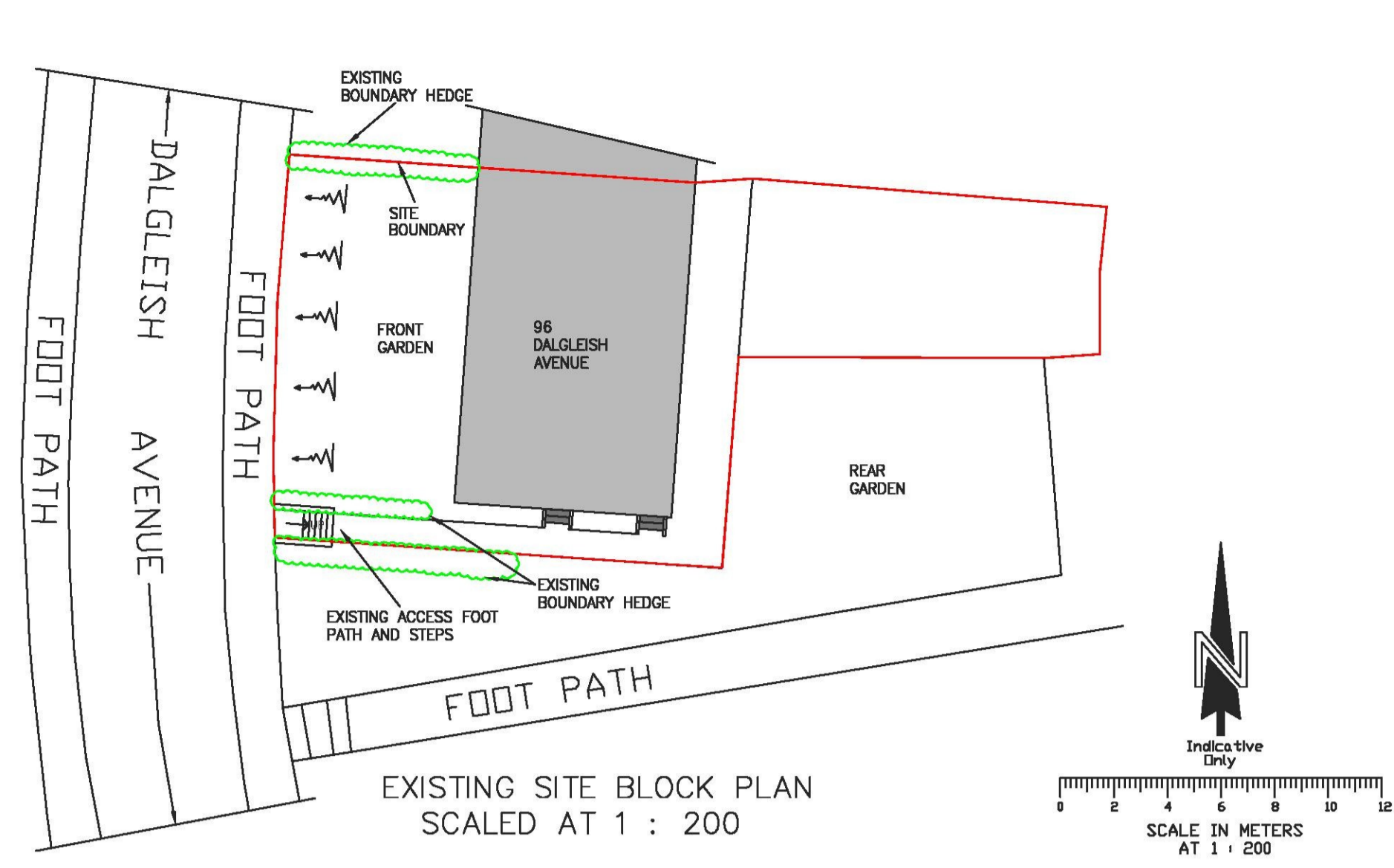
Drq.No. 2323B REV 1

Scale: 1:20 1:500 1:200

AMENDMENTS
1. DATE 21/09/2022 RAISED TO AMEND EXISTING AND PROPOSED FRONT ELEVATION AND DRIVE WAY ADDED TO DRAWING

GENERAL NOTES
DO NOT SCALE FROM DRAWINGS IN CASE OF REPRODUCTION ERRORS
ALL DRAWINGS USED FOR PLANNING & BUILDING WARRANT APPLICATIONS SHALL BE USED SOLELY FOR LOCAL AUTHORITY APPROVALS AND COSTING PURPOSES ONLY
ADEQUATE PROTECTION/SAFETY MEASURES MUST BE CARRIED OUT DURING ALL BUILDING WORKS
TIMBERS USED IN CONSTRUCTION MUST BE PRESSURE TREATED WITH SUITABLE & RECOGNIZED PRESERVATIVES
IT IS THE CONTRACTORS RESPONSIBILITY TO CHECK AND VERIFY ALL SITE MEASUREMENTS AND SPECIFICATION PRIOR TO ANY WORK COMMENCING

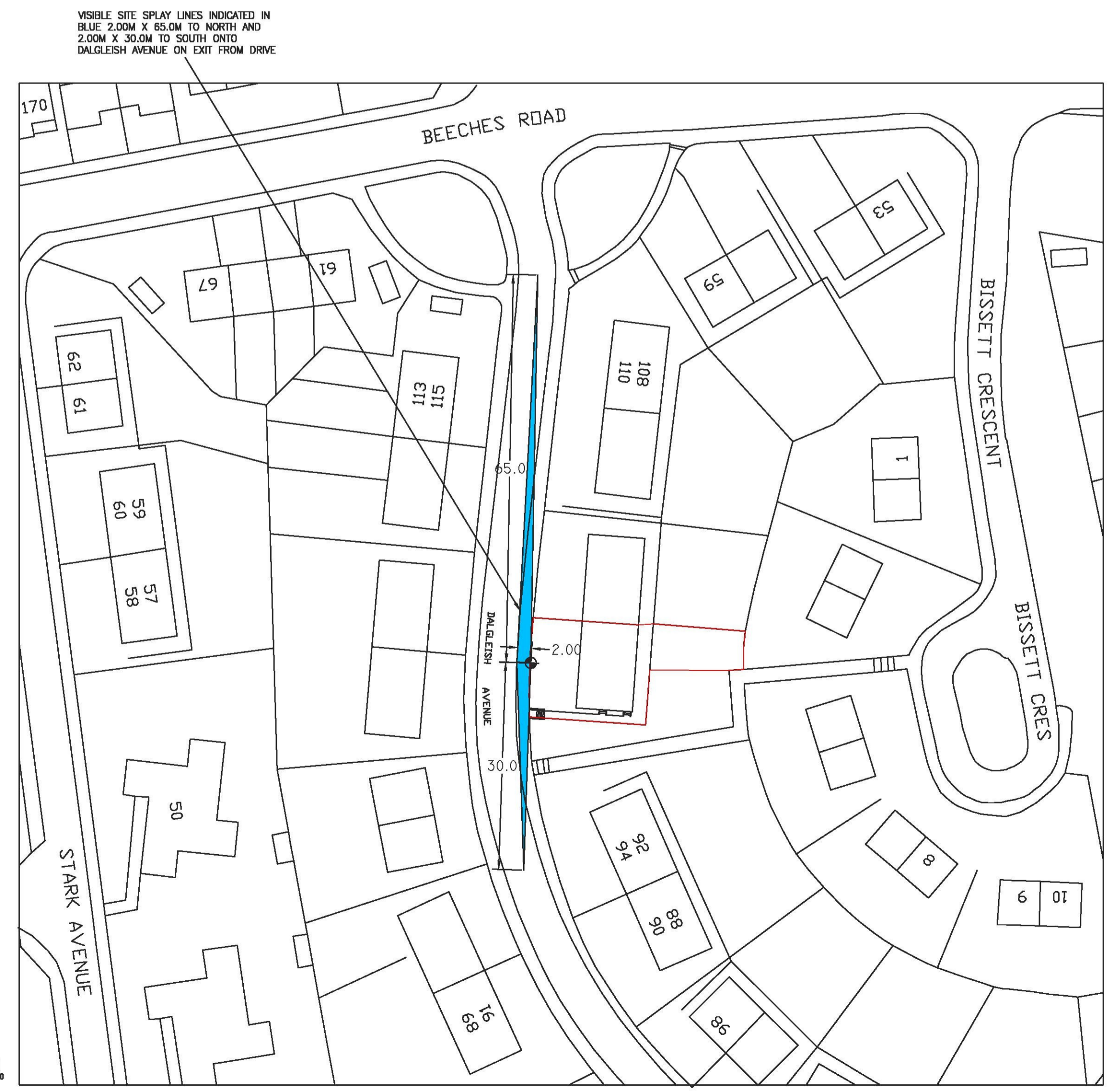
THIS IS A TRUE COPY OF THE PLAN REFERRED TO IN THE ACCOMPANYING APPLICATION.
SIGNED [Redacted]
DATED 21/09/2022

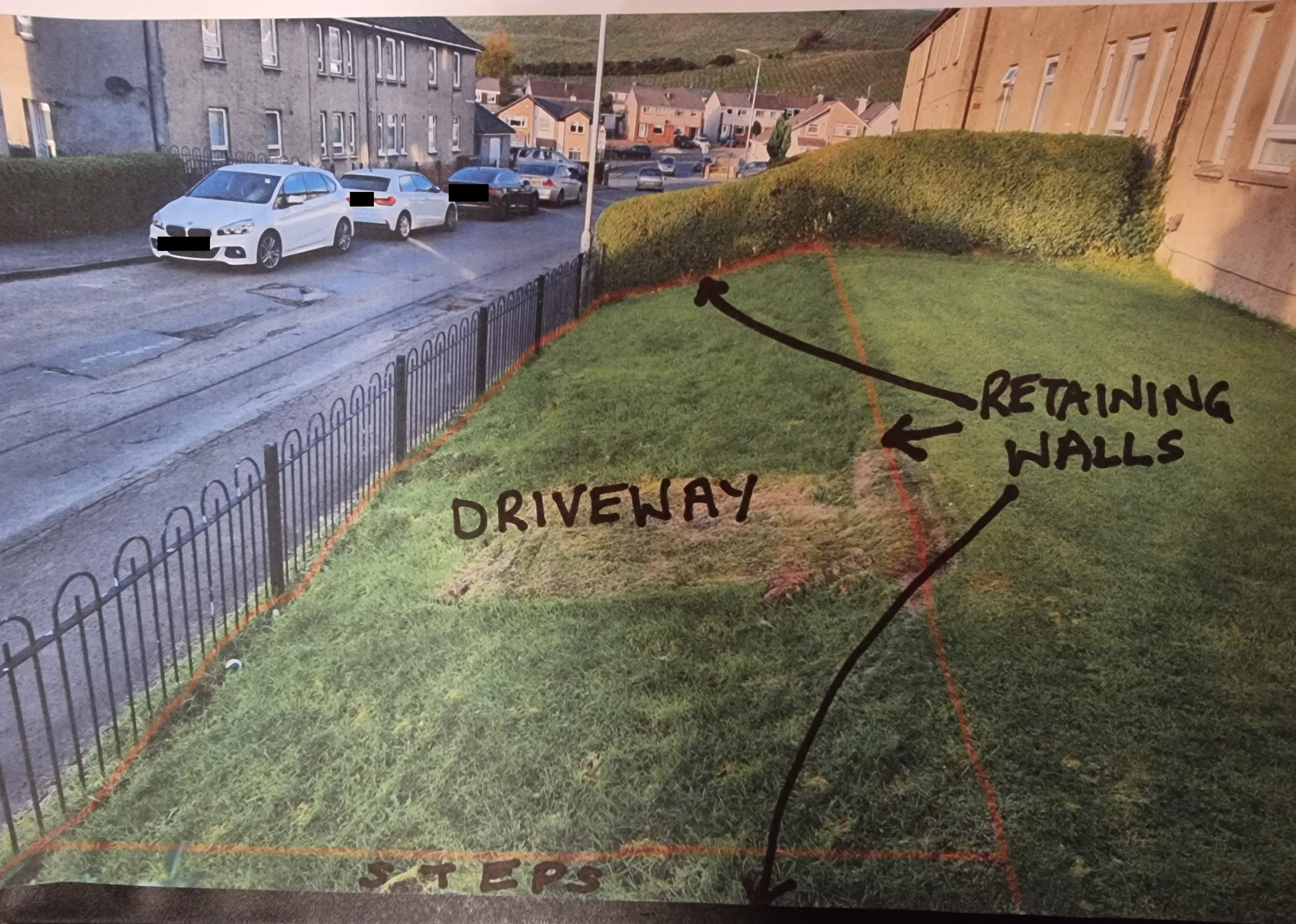


REASONABLE EFFORTS HAVE BEEN MADE TO CONFIRM THEIR AS NO CONTAMINATED LAND ISSUES WITH THIS SITE

AT ALL TIMES THE CONTRACTOR MUST OBSERVE ALL HEALTH AND SAFETY PROTOCOLS AND PROVIDE METHOD STATEMENTS BEFORE WORK COMMENCES

THIS DRAWING HAS BEEN PREPARED FURTHER TO A WALK THROUGH SURVEY OF THE SUBJECT PROPERTY; NO OPENINGS WERE MADE, SHOULD ON OPENINGS BEING MADE BY CONTRACTORS IT IS DISCOVERED THAT THE CONSTRUCTION OF ANY ELEMENTS IS NOT AS SHOWN ON THE DRAWINGS THE CONTRACTOR WILL CONTACT PINELOAD DESIGNS IMMEDIATELY ON 07748648901





DRIVEWAY

RETAINING WALLS

STEPS

PLANNING APPLICATION CONSULTATION RESPONSE

DC21/246/FUL

Housing, Environment & Economic Development
 Road Services
 Observations on Planning Application

Contact:
 Tel:

Planning Application No: DC21/246/FUL
 Applicant:
 Proposed Development: Installation of driveway (parrallel to carriageway)
 Location: 96 Dalgleisg Avenue Duntocher G816DZ
 Type of Consent: - Full
 Ref. No(s) of drg(s) submitted:

Proposal Acceptable?	Y or N
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1. EXISTING ROADS

(a) General Impact of Development	N
(b) Type of Connection(s) (road junction/footway crossing)	
(c) Location(s) of Connection(s)	
(d) Sightlines (.....)	
(e) Active Travel Provision	

2. NEW ROADS

(a) Widths (.....)	
(b) Layout (horizontal/vertical alignment)	
(c) Junction details (locationjs/radii/sightlines)	
(d) Turning Facilites	
(e) Traffic Calming	
(f) Active Travel Provision	
(g) Provision of Utilities	

3. SERVICING AND CAR PARKING

(a) Servicing Arrangements/Driveways	
(b) Car and Cycle Parking Provision (.....)	
(c) Maximum Parking Standards	
(d) Layout of Parking Bays/Garages	

Item Ref.	Comments
1a	Generally Roads and Transporation are supportive of the provision of off street parking, particularly in residential areas of obvious high demand. This application proposes 2no parallel spaces apparently accessed by a centrally located dropped kerb, These spaces negate any general on-street provision and cannot be accessed without driving over the footway. The vehicle doors will also open over the public footway, in these circumstances we cannot support the application.
1b	
3b	

4. RECOMMENDATION	Refuse
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5. CONDITIONS/REASONS FOR REFUSAL/DEFERMENT:- See 1a above

6. NOTES FOR INTIMATION TO APPLICANT

(i) Construction Consent (S21)*	
(ii) Road Bonds (S17)*	
(iii) Road Opening Permit (S56)*	
(iv) Transportation Statement / Assessment	
(v) Flood Risk Assessment	

* Relevant Section of the Roads (Scotland) Act 1984
 ** Relevant Section of National Roads Development Guide
 *** Relevant Section of Traffic Signs Regulations and General Directions (TSRGD)

Signed: _____ Date: _____ Copies to: _____
 Head of Land Services

APPOINTED OFFICER'S DECISION:

DC21/246/FUL

WEST DUNBARTONSHIRE COUNCIL

REPORT OF HANDLING (Delegated)

APP NO: DC21/246/FUL

CASE OFFICER: Mr Ash Hamilton

ADDRESS/SITE: 96 Dalgleish Avenue, Duntocher, Clydebank, G81 6DZ

PROPOSAL: Installation of driveway

1. Site Description/Development Details

The application site relates to the front garden area of a two storey four-in-a-block flatted development with a brown concrete tiled pitched roof, grey roughcast finish and white uPVC windows and doors. The front garden, which is approximately 7m wide and 12.5m in length, is grassed with a relatively steep slope down to the public pavement along Dalgleish Avenue. The rear garden is comprised of paved and grassed areas.

The application site is located within an established residential area, which is characterised by a mixture of terraced, four-in-a-block flats and semi-detached properties.

It is proposed to install a new driveway with two car parking spaces within the western half of the front garden. The proposal includes the erection of retaining wall along the eastern, northern and southern sides of the driveway, and access steps within the southern extent of the front garden. The driveway would be approximately 11m in length, 3m wide and finished in 60mm/80mm mono block. The driveway parking arrangement proposed would be parallel to the public road. The block work retaining walls would be approximately 3m at the highest point and 3m wide. While it is proposed to paint the retaining wall, no information on colour is provided. The new access steps would rise to approximately 1.5m in height.

2. Consultations

West Dunbartonshire Council Roads Service - Object to the proposal on grounds that it would negate any general on-street provision and could not be accessed without driving over the footway. The vehicle doors would also open over the public footway.

3. Application Publicity

N/A

4. Representations

None.

5. Relevant Policy

National Planning Framework 2022 (NPF4)

- Policy 14

West Dunbartonshire Local Plan (Adopted)

- Policy GD1 – Development Control
- Policy H5 – Development within Existing Residential Area

West Dunbartonshire Local Development Plan 2 (Proposed)

The modified Proposed Plan and associated documents were approved by the Council on 19 August 2020, with the Scottish Ministers subsequently advised of the Council's intention to adopt the Plan. On 18 December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. As none of the policies considered in the determination of this application are effected by that Direction, the Proposed Plan remains the Council's most up to date policy position and is afforded significant weight in the assessment and determination of this application.

- Policy H4 – Residential Amenity
- Policy CON1 – Transportation Requirements for New Development

6. Appraisal

Policy 14 of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach. Criterion (d) states that development proposals that are detrimental to the amenity of the surrounding area will not be supported. With regard to the Local Plan, Policy GD1 aims to ensure that all new development is of a high quality of design and respects local character and amenity. It includes a requirement for proposals to meet the roads, parking and access requirements of the Council. Policy H5 seeks to safeguard the character and amenity of existing residential areas, includes a requirement for proposals to avoid over development which would have an adverse effect on local amenity, access and parking. Policy H4 of the Proposed Plan seeks to protect, preserve and enhance the residential character and amenity of existing residential areas. Policy CON1 requires proposals to accord with the National Roads Development Guidelines.

With regard to residential amenity, it is noted that the proposal would comprise approximately 39% of the existing front garden area and have no impact on the significant rear curtilage. As such, it would not constitute overdevelopment of the plot or have a significant overbearing effect on the application or neighbouring properties.

With regards to impacts on local character, it is noted that a number of driveways have been installed on both sides of Dalgleish Avenue. Whilst the parallel nature of the proposed driveway parking is unusual and results in a retaining wall across the frontage of the plot, it is considered that the visual impact within the context of the established appearance of the existing street is acceptable. As such, the proposal would not have a significant adverse effect on local character.

Looking at potential impacts on access and parking, the assessment is guided by the Council's Roads Service which has objected to the proposal on a variety of grounds. It is highlighted that the driveway parking could not be accessed without driving over the footway. Whilst it is accepted that a conventional road layout comprising a carriageway with footways would result in all driveways requiring access across the public road, this arrangement would not result in vehicles accessing and egressing a driveway at right angles to the road and footway. Vehicles would access across the footway in an unconventional manner on the inside curve of the road and the concerns of the Council's Roads Service are accepted. The Roads Service further highlight concern that the proposal would result in parked vehicle doors opening out over the footway. Whilst it is true that any vehicle parked at the kerbside adjacent to the footpath would result in doors opening over the footpath, in such a situation this occurs from a clearly visible location within the road. The proposal would result in vehicles parked in an unusual arrangement, partly screened by the existing topography and proposed retaining wall and again the concerns of the Roads Service are accepted. Finally, the Roads Service also raise concern that the proposed layout would effectively remove the existing on street provision in front of the property. Whilst it was noted at a site visit that vehicles were generally parked to the opposite side of the road, there are no controls in place that restrict parking on either side of the road. The elongated parallel driveway arrangement would have the potential to disproportionately impact upon existing on-street parking opportunities and the concerns of the Roads Service are acknowledged. In light of the concerns raised in the objection by the Roads Service this, it is considered that the proposal has an adverse impact on the amenity of the existing residential area and is not supported by Policy H4 of the proposed Local Development Plan and Policy H5 of the Local Plan.

Overall, informed by the consultation response by the Council's Roads Service and the concerns raised in the objection which this contains, the proposal has a potentially adverse impact on local road and pedestrian safety together with existing on-street parking provision to the detriment of the amenity of the existing residential area. Accordingly, the proposal is not acceptable as it fails to fully meet the requirements of Policy H4 of the proposed Local Development Plan and Policy H5 of the adopted Local Plan.

7. Recommendation

Planning permission be refused for the following reason:

1. The proposal has a potentially adverse impact on local road and pedestrian safety together with existing on-street parking provision to the detriment of the amenity of the existing residential area and is not acceptable as it fails to fully meet the requirements of Policy H4 of the proposed Local Development Plan and Policy H5 of the adopted Local Plan.

8. Added Value

None.

FOR NOTING

1. The plans referred to as part of this decision are:
 - 2323A – Location Plan
 - 2323B – Rev 1 - Site Block Plans, Sections and Details
 - Driveway and Retaining Wall

Refusal of Planning Permission

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

Proposal Installation of driveway

Site 96 Dalglish Avenue
Duntocher
Clydebank, G81 6DZ

Applicant Mrs Margaret Connolly

Agent Pineload Designs
77 Jamieson Gardens
Tillicoultry
Clackmannanshire, FK13 6EP
F.A.O. Colin Aitchison

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 PERMISSION FOR THE REASON(S) CONTAINED IN THE ACCOMPANYING PAPER(S) APART.

DATED THIS: 17th day of February 2023

Signed 
For West Dunbartonshire Council

Planning, Building Standards and Environmental Health Manager
16 Church Street
Dumbarton
G82 1QL

Reason for Refusal

1. The proposal has a potentially adverse impact on local road and pedestrian safety together with existing on-street parking provision to the detriment of the amenity of the existing residential area and is not acceptable as it fails to fully meet the requirements of Policy H4 of the proposed Local Development Plan and Policy H5 of the adopted Local Plan.

FOR NOTING

1. The plans referred to as part of this decision are:
 - 2323A – Location Plan
 - 2323B – Rev 1 - Site Block Plans, Sections and Details
 - Driveway and Retaining Wall

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.

Notice of Review forms and guidance can be obtained and submitted to us via the Scottish Government [ePlanning portal](#)

Alternatively the review forms may be submitted in writing* to:

West Dunbartonshire Council
Planning Local Review Body
16 Church Street
Dumbarton G82 1QL
0141 951 7930

*Please note that due to the Government guidance regarding Covid-19, all staff are working remotely therefore there will be delays in receiving any paper submissions. We would therefore encourage electronic submissions via the e-planning portal. If you require any assistance please contact us using the above contact telephone number or alternatively e-mail us – development.management@west-dunbarton.gov.uk

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.

RELEVANT POLICIES:

DC21/246/FUL

National Planning Framework 4

Policy 14: Design, Quality and Place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
- **Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.
 - **Pleasant:** Supporting attractive natural and built spaces.
 - **Connected:** Supporting well connected networks that make moving around easy and reduce car dependency
 - **Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - **Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - **Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) 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.

Adopted West Dunbartonshire Local Plan 2010

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 micro-renewable 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.

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

Proposed West Dunbartonshire Local Development Plan (LDP2, as modified 2020)

Policy H4: Residential Amenity

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;
- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

Policy CON1: Transportation Requirements for New Development

The Council requires development proposals to accord with Designing Streets, the National Roads Development Guidelines, and be in alignment with the provisions of the Regional and Local Transport Strategies. Developments which do not meet these requirements will not be acceptable unless sufficient justification has been provided to demonstrate why a departure from these strategies is required.

Developments which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars will be particularly supported. All new development will require to prioritise active travel, by incorporating new, and providing links to, existing footpaths, cycle routes and public transport routes. Developers of major housing,

retail and business and industrial developments are also required to provide electrical charging points within their development.

Where appropriate and necessary, developers will be requested to enter into legal agreement with the Council, for the provision of transport infrastructure; public transport services or financial contributions which are directly related to a requirement arising as a result of their development.

SUGGESTED CONDITIONS:

DC21/246/FUL

DC21.246.FUL – Installation of driveway at 96 Dalgleish Avenue, Clydebank, G81 6DZ

Suggested Conditions

1. Prior to the commencement of works on site, details of the finishes for the block work wall and mono block driveway hereby approved shall be submitted to and approved in writing by the Planning Authority. Thereafter, the finishes shall be implemented as approved.

Reason: In the interests of visual amenity.

2. All surface water from the driveway hereby approved shall be intercepted within the site.

Reason: To avoid run-off in the interests of road safety.