

APPLICATION FOR REVIEW:**DC11/009/FUL**

NOTICE OF REVIEW

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

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

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

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

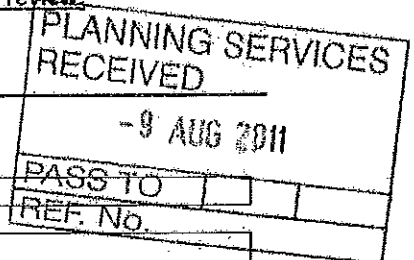
Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name L MARSHALL
Address CHEZ NOUS
WALKMILL LANE
DUNTOCHER
Postcode G81 6AS
Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No N/A
E-mail* Lizy.Marshall1@hotmail.co.uk

Agent (if any)

Name [REDACTED]
Address [REDACTED]
Postcode [REDACTED]
Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]
E-mail* [REDACTED]



Mark this box to confirm all contact should be
through this representative: ☐

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

WEST DUMFRIES AND GALLOWAY COUNCIL

Planning authority's application reference number

DC 11 / 009 / FUL

Site address

LAND ADJACENT TO WALKMILL COTTAGES.

Description of proposed
development

ERECTION OF DWELLING HOUSE

Date of application

10/1/2011

Date of decision (if any)

10th May 2011

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

Notice of Review

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

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.

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, 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 are necessary:

THE BASIS FOR THE REFUSAL BANG POLICY H5 & QDI
WEST DUMBARTONSHIRE LOCAL PLAN 2010.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

NONE.

Notice of Review

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.

PLEASE REFER TO ATTACHED STATEMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Notice of Review

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

DRAWING NO	100 / 05
PHOTOGRAPHS	122.

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

Checklist

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

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed



Date

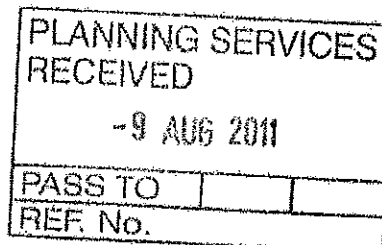
2/8/11

West Dunbartonshire Council Offices
 Executive Director of Housing, Environmental
 And Economic Development
 Council Offices
 Clydebank
 G81 1TG

2nd August 2011

Dear Sirs

Ref: DC11/009/FUL



I have looked at and reviewed the reasons for planning refusal as detailed on page 2 of your correspondence and will respond accordingly:

1. The basis for the proposal would be contrary to PolicyH5 of the West Dunbartonshire Local Plan which would adversely affect the appearance and character of the surrounding area in its scale, density and relationship with surrounding properties.

The existing 200 metres of lane currently has two bungalows, one 1 ½ storey semi-detached, one 1 ½ storey detached dwelling. The proposal uses an area which is not currently used and has sufficient distances from all neighbouring properties and has less density than the current modern developments within the surrounding areas.

The existing area is designated for housing within the West Dunbartonshire Local Plan. The proposal would have no detrimental effect but would enhance the current surroundings with the proposed upgrading of the existing lane.

The adjacent land to the east of the proposal which comprises of woodland has been granted planning (Burnside 28th Jan 2011 – Ref. DC10078/FUL). This is a high density flatted development with parking and associated roads. It is my opinion that inconsistencies apply with the planning departments interpretation of the Local Plan based on the statement for the basis of refusal of my application, as within 100 metres they have granted a high density, high level structure which clearly has significant impact on the surrounding properties and area.

2. The basis for the refusal contradicts the drawing 04 submitted for planning approval, historic and current use of the existing non-adopted private lane. I have produced a further drawing number 05 which requires to be cross referenced with this document which clarifies the extent of the current lane and the proposals.

I will respond to each of the points as follows:

It states 'would result in intensified use of a substandard road (non-adopted lane). The drawing 04 clearly states that the existing surface would be upgraded, therefore this statement is incorrect. 'Intensified use' implies major increase in traffic which is somewhat surprising as it would possibly increase the lane being used by one other car on an infrequent basis.

- a) 'Has inadequate sightlines splays at the connection with A810'.

This is a historic entrance to the lane and has existed for more than 80 years. The lane is 7.8 metres wide at the junction and no problems exist with the sightlines east or west along the A810. Please refer to pictures 1 & 2 which physically shows the sightlines from a saloon car.

- b) The lane is historic, there has never been a specific provision for pedestrians but provision has been made to widen the lane in front of the proposal to take pedestrians and vehicles.
- c) 'Has sufficient width to permit 2-way traffic or passing places' this statement is totally incorrect. Refer to drawing 04 & 05. Section marked A from junction A810 to section marked B is wide enough to operate 2-way traffic and pedestrian, sections marked C is currently used for passing and pedestrian and section marked D clearly indicates lane width increased including additional turning point and parking and 2-way traffic.

The statement that the proposal would be detrimental to the safety and convenience of the road users is wholly inaccurate.

It would appear that West Dunbartonshire Council have not carried out any risk assessment of the current or possible impact of the proposal but merely made a statement that it is contrary to policy GD1 of the West Dunbartonshire Local Plan 2010 on a historic lane which predates 2010. To clarify and assist I have reviewed and assessed the risk.

The junction A810. No change of risk from the current due to the proposal Section of lane marked A. No change of risk from the current due to proposal. Section of lane marked B & C. Reduced risk due to the proposal due to the removal of trip hazards for pedestrians and risk damage to vehicles. Section D. Reduced risk due to the proposal and removal of trip hazards for pedestrians and vehicle damage. Improved lane widths, turning points, passing places and two way operations.

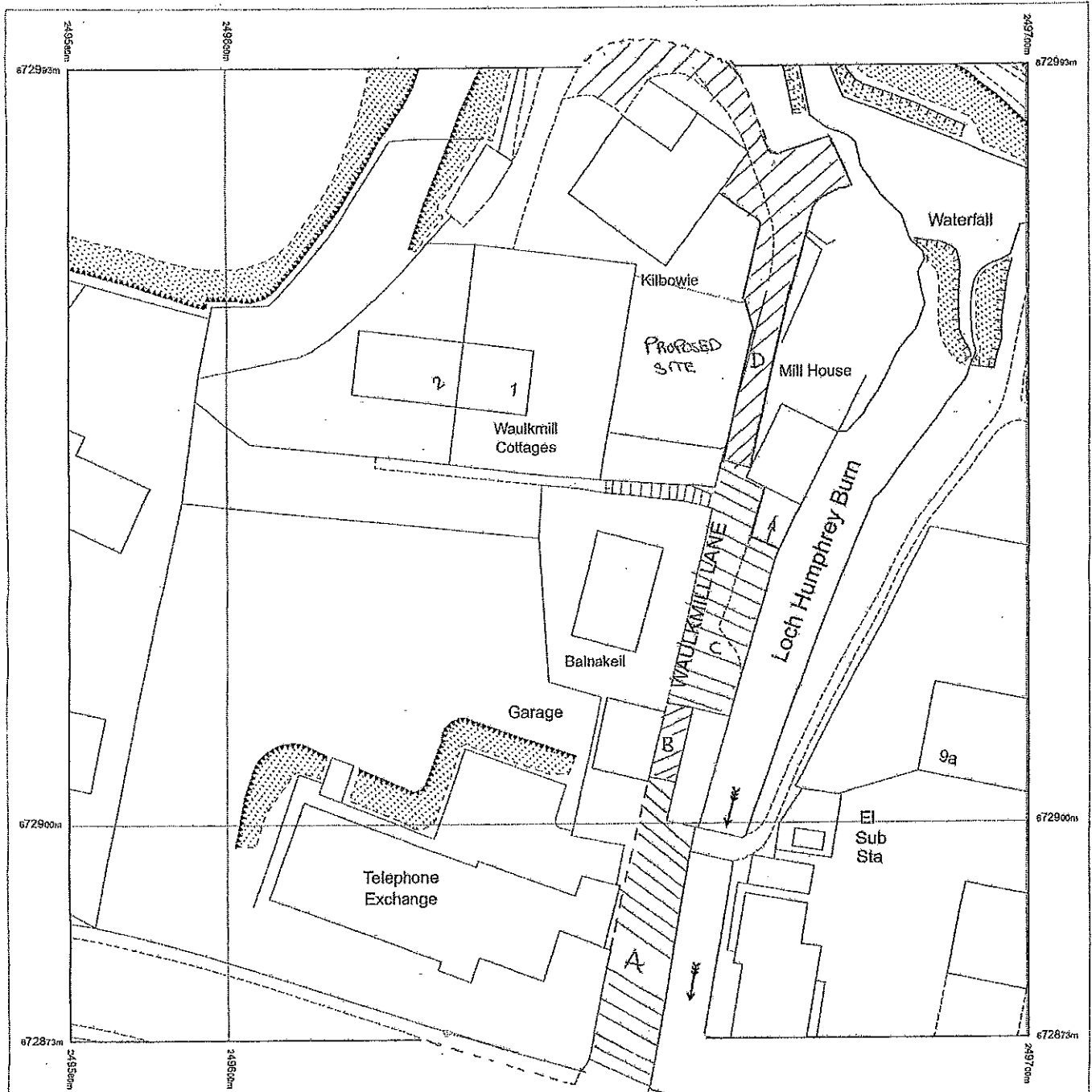
Overall the proposal in my opinion would improve safety and convenience of the lane users.

I have read the Contents of Policy GD1 of West Dunbartonshire Council Local Plan 2010 and based on the above do not understand why this forms part of the refusal and therefore would request that the application be re considered light of the above.

Yours Faithfully



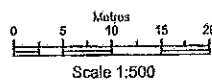
Lucy Marshall



PLANNING SERVICES
RECEIVED

-9 AUG 2011

PASS TO
REF. No.



Supplied by: Hobs Reprographics
Serial number: 00957100
Centre coordinates: 249640.25 672933.25
Further information can be found on the
OS Sitemap information leaflet or the
Ordnance Survey web site:
www.ordnancesurvey.co.uk

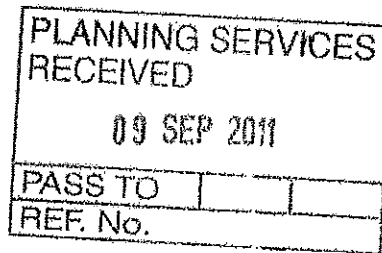
CLIENT Mrs L MARSHALL
PROJECT PROPOSED DWELLING HOUSE, KILBOWIE
TITLE EXISTING / PROPOSED LANE
JOB NO 101 dsg no 05 Scale 1:500 DRAWN TEM DATE Dec 11

REPRESENTATIONS ON REVIEW

DC11/009/FUL

Development Management
West Dunbartonshire Council
Council Offices
Roseberry Place
Clydebank
G81 1TG

6th September 2011



Mr and Mrs Gallacher
Waulkmill Cottages
Waulkmill Lane
Duntocher
Clydebank
G81 6AS

F.A.O. Planning Appeal Section

Dear Sir/Madam

REPRESENTATION OF OBJECTIONS TO APPEAL APPLICATION FOR PLANNING
PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND ADJACENT TO
WAULKMILL COTTAGES, WAULKMILL LANE, DUNTOCHER
REF: DC11/009/FUL
MOST RECENT DOCUMENT: DOC1929756

We refer to the above and to previous correspondence.

We note from the Council website that there has been an appeal application, as detailed
above, submitted.

We would like to raise representation in respect of the appeal information submitted by the
applicant, Ms Lucy Marshall.

I have attached our previous objections to the proposed development as our objections remain
the same.

A previous application was submitted in 2009 and was refused.

We would request that you please take these representations into account when considering
the application.

Thank you in advance and await your notification of your decision.

Yours Sincerely

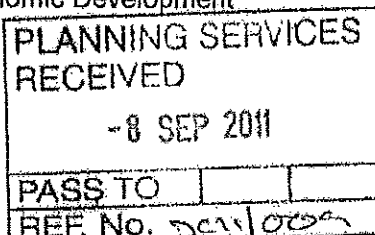
John Gallacher



Mill House
Waulkmill Lane
Duntocher
G81 6AS

3 September 2011

West Dunbartonshire Council
Planning Services
Housing, Environmental and Economic Development
Council Offices
Rosebery Place
Clydebank
G81 1TG



Dear Sir / Madam,

Local Review Body [Planning]

Planning Application No. **DC11/009/FUL**

Land Adjacent to Waulkmill Cottages, Waulkmill Lane, Duntocher

I refer to the Notice of Review dated 26 August 2011 notifying that Ms Lucy Marshall has submitted an appeal in relation to the above planning application, which was refused on 10 May 2011.

I understand that my previous correspondence of 4 April 2011, detailing my objections to the planning application, will be submitted for consideration by the Local Review Committee when the review is undertaken. However I wish to address certain points with reference to the applicant's letter, and request that this letter is also provided to the Committee.

1. The plan submitted by the applicant is inaccurate, and appears to indicate that the lane is wider than is actually the case. Part of the hatched area on the plan (area c) is in fact privately owned by other residents.
2. Reference has been made to laying a tarmac surface on the lane as an "improvement"; however no reference has been made to drainage. At present, whilst the lane surface is in a poor state of repair, surface drainage is reasonably adequate; however the run off with a tarmac surface on this sloping lane would require the introduction of a surface water drainage system to prevent flooding.
3. Comments regarding access from the main road are not reflective of the geometry of the road and lane; there are significant existing issues in relation to access to and egress from the lane due to poor sightlines.
4. References to a nearby development of flats and to "current modern developments within the surrounding areas" are totally irrelevant to this situation. Waulkmill Lane is an existing small scale development in a semi-rural location, with aspects of historic and natural environmental interest.
5. Rather than enhancing the surroundings, the proximity of the proposed development to the lane, and its height (2 ½ storeys) would result in considerable overlooking and overshadowing of my single storey property at Mill House. Unacceptable intrusion with regard to privacy, in relation to my property and other properties would be inevitable.

The location of the development and proximity to other houses is intrusive and overbearing. This proposed development would be unduly prominent and would be oppressive with regard to its proximity and overlooking of my property.

6. The ground preparation works for the proposed development involve major excavations and retentions on an extremely steep sloping site. It is difficult to envisage how this could be effected on such a restricted site, whilst maintaining access for residents and without causing damage to the wall of Mill House (lane width 10'). In addition, there is the risk of ground instability, which could affect the adjacent properties.

7. When I purchased my house 8 years ago, I was assured that the site in question would be for garden use only, indeed it never occurred to me that anyone would even consider building a house on such an unsuitable site.

West Dunbartonshire Council gave due consideration to this application in June 2009 and May 2011, and in my opinion justifiably refused permission on each occasion; I trust that this decision will be upheld.

Yours faithfully,

A black rectangular box redacting the signature of John Brownlie.

John Brownlie

Development Management
West Dunbartonshire Council
Council Offices
Roseberry Place
Clydebank
G81 1TG

A. Culley/J.Orr
1 Waulkmill Cottages
Waulkmill Lane
Duntocher
Clydebank
G81 6AS

1st September 2011

F.A.O. Planning Appeal Section

Dear Sir/Madam

PLANNING SERVICES RECEIVED		
-2 SEP 2011		
PASS TO		
REF. NO.	DC11/009	FUL

REPRESENTATION OF OBJECTIONS TO APPEAL APPLICATION FOR PLANNING
PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND ADJACENT TO WAULKMILL
COTTAGES, WAULKMILL LANE, DUNTOCHER

REF: DC11/009/FUL

MOST RECENT DOCUMENT: DOC1929756

We refer to the above and to previous correspondence.

We note from the Council website that there has been an appeal application, as detailed above, submitted. We are unsure as to why, as yet, we have not received any notification from the Council regarding this matter, as we were party to the objections raised when the application was first submitted.

We would like to raise representation in respect of the appeal information submitted by the applicant, Ms Lucy Marshall. The applicant wishes to dispute the decision that the proposed development would adversely affect the appearance and character of the surrounding area. The applicant advises that the area of the development is not currently used and has sufficient distance from all neighbouring properties. This is simply not the case. The land proposed for the development is currently the garden of Chez Nous and is used as such. Indeed the land that is the location of the proposed development was sold by the owners of 1 Waulkmill Cottage with the following Burden recorded in the Land Register of Scotland Land Certificate: "The plot of ground hereby disposed is to be used by my said disponent and his forefathers as ornamental garden ground and for no other purpose". Additionally, the land is immediately attached to the garden of 1 Waulkmill Cottage. The land is immediately adjacent to both Balnakeil and Mill House. The only surrounding property that is considerably larger in size than the proposed development is Chez Nous itself.

The applicant states that the proposal would have no detrimental effect and, in her opinion, would enhance the current surroundings with the proposed upgrading of the lane. This view is contrary to the other residents within the lane who believe it would be detrimental – see further below for detrimental items already raised. As regard to the upgrading of the lane, the applicant could currently upgrade the lane to improve its safety and usability, however, the applicant has chosen not to. As such, there is no reason to believe that the development of an additional property will result in a improved lane and indeed, the increased traffic that would result from an additional property would only cause further damage to the existing poorly maintained lane.

The applicant then goes on to discuss the proposed Burnside development, however, this is of no relevance to the proposed development at Waulkmill Lane or its impact.

The applicant disagrees with the previous decision of the Council about the non-adopted lane. The applicant states that the Council's statement that the development would result in intensified use of a substandard road is incorrect. We would advise that we believe the Council's interpretation to be correct. The lane is already of a sub standard nature, and as advised previously, the applicant has failed to improve it. Why should the building of an additional property by the applicant make any difference to this situation? Indeed, the situation with the condition of the road would only be worsened. The applicant states that intensified use implies a major increase in traffic and the applicant disputes that this would be the case. We would advise that intensified use would result, as there would be an additional property, which is likely to have traffic coming too and fro. The level of increased traffic generated by an additional property in a lane the size of Waulkmill Lane would result in intensified use. The lane is already struggling to cope with the vehicle and pedestrian traffic generated by the existing five houses, and the additional of another property and associated traffic would only make this worse. As the applicant would have no control over how many cars the residents of the proposed dwelling could have, or the volume of visitors to the proposed dwelling, it is unclear how the applicant can state that the property would only have one car and that it would only be used to access the property on an infrequent basis.

In regard to the lane sightlines and 2-way traffic, the lane has obstructed sightlines for most of the time and during most days due to cars being parked on the A810, which makes it very dangerous to exit the lane, a situation that would only be worsened with increased traffic in the lane. The applicant submits a drawing to show where 2 way traffic can take place, however, the drawing is inaccurate and could therefore be misleading. Section C on the drawing shows the lane area and the private parking of Balnakeil, which is not available as a passing place. The lane at the area marked C is only wide enough to take one car. The area marked D shows increased land width and a passing place which does not currently exist and which we would dispute that there is land space available for.

The applicant states as "wholly inaccurate" the previous statement that the proposal would be detrimental to the safety and convenience of road users. This is simply inaccurate as the proposal would be completely detrimental to the safety and convenience of both road users and pedestrians. The lane already creates much concern for the safety and convenience of both road users and pedestrians and the addition of another dwelling would only increase the dangers.

The applicant states that she does not believe West Dunbartonshire Council have carried out a risk assessment. We would have to disagree with this and the applicant's interpretation of there being no increased risk associated with the proposal. Increased traffic on an already substandard lane would quite clearly increase the risks. The applicant appears to try and explain away this risk with the proposal to improve the condition of the lane. However, this is questionable on a number of fronts. Firstly, why has the applicant not already carried out such improvements? Secondly, The applicant does not own the entire lane and will not necessarily have permission to carry out any alterations. Thirdly, the claim of improved widths, turning points, passing places and two-way operation is just not achievable.

Contrary to the opinion of the applicant we would have to state that it is our opinion that the proposal would reduce both the safety and convenience for lane users, both those on foot and those in vehicles.

We would further like to re-raise our original objections against this application as follows:

1. Land not available for development

The owners of Waulkmill Cottage sold the land that is the location of the proposed development to the owners of Chez Nous for garden ground only, with the following Burden recorded in the Land Register of Scotland Land Certificate:

"The plot of ground hereby disposed is to be used by my said disponent and his forefathers as ornamental garden ground and for no other purpose"

It is therefore our understanding that the ground cannot be used for the erection of any structure and applications to develop on it would be fruitless. If you would like us to provide you with a copy of the land certificate, please just let us know and we will obtain a copy.

2. Loss of residential amenity

There would be significant loss of light to our own dwelling house being directly behind the proposed site and to the dwelling house directly in front of the proposed site.

There would be noise and disturbance caused by the close proximity of the proposed dwelling on the proposed site.

Due to the close proximity of the proposed dwelling house there would be a loss of privacy both to our own property and to the property directly in front of the site as there would be intrusive overlooking.

There would especially be on and over looking issues for our own property due to the proposed rear top floor and roof space windows (Bedroom and roof space), 1st floor rear windows (lounge and family room), rear patio doors and the size and close proximity to the proposed dwelling house's small rear garden.

3. Drainage & Infrastructure Problems

The area in which the proposed dwelling house would be built already suffers from drainage and infrastructure problems that would only be worsened by the development of another dwelling house. The area suffers from poor drainage due to the topography and infrastructure in place, which would not cope with the requirements of another dwelling house.

The existing road servicing the area is in poor condition and is not maintained by the current owners, and the addition of another dwelling house and associated traffic would only worsen this.

This area of Waulkmill Lane is a very small and compact area which already has more dwelling houses and traffic than the infrastructure can comfortably cope with, and the addition of another dwelling house would only worsen these problems.

There would be no room for the additional traffic generated by another dwelling house and there is insufficient room for a turning circle into the proposed garage of the dwelling house.

Increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

It is already difficult to drive through the lane due to existing dwelling houses and associated traffic and this would only be worsened. This would be a major concern for the access of emergency vehicles if they were to be required.

The topography of the site is such that extensive ground works and extensive use of retaining structures would be required, all of which would threaten the stability of the surrounding ground and dwelling houses, especially our own. The site is too small for the size of dwelling proposed.

There is currently not enough room within the lane for the existing parking requirements, a situation that was worsened by the applicant turning the parking garage of Chez Nous into an internal dwelling room. Chez Nous traffic currently parks on a piece of ground which, unless recently purchased by the owners of Chez Nous does not belong to them. If the owner of this piece of land were to stop Chez Nous from using it, then the situation regarding parking for existing properties would be greatly worsened without even considering the impact of developing another property.

4. Impact On Built Environment

As expressed above, this area of Waulkmill Lane is already overdeveloped and conditions would be worsened by a further development here.

The proposed site is too close to the existing dwelling house of Chez Nous.
The proposed development would more than half the garden area of the existing Chez Nous.
As advised above, increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

5. Impact On Natural Environment

Any further development in this area of Waulkmill Lane would have a detrimental impact on the natural environment for existing residents of the area and for the wildlife of the area. There would be a loss of green space to the local environment and a loss of habitat for wildlife currently using the area.

As stated above, the proposed site is too close to the existing dwelling house of Chez Nous, and would more than half the garden area of the existing Chez Nous.

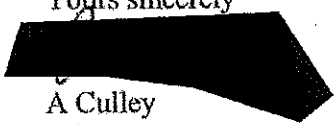
A previous application was submitted in 2009 and was refused.

We would request that you please take these representations into account when considering the application.

We would greatly welcome the opportunity to meet with the planning committee to discuss our concerns and to allow a clear understanding of the problems to be gained. It would also perhaps be beneficial to meet on site to clarify the problems. We are more than sure that our other neighbours would also welcome this opportunity.

We thank you in advance for your assistance and await your notification of the Council's decision.

Yours sincerely



A Culley
J Orr

RELEVANT POLICIES:

DC11/009/FUL

Development Control

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

Policy GD 1 Development Control

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

Proposals will be required to:

- be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy); developers will be required to submit design statements where appropriate;
- be energy efficient, including considering options for 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.

Reasoned Justification

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

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

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

4.6 The requirement to minimise waste and provide for its storage and collection from new development is in accordance with SPP 10 Planning for Waste Management and PAN 63 Waste Management Planning. A Site Waste Management Plan may be required to minimise waste at source on construction sites through the accurate assessment of the use of materials and the potential for recycling material on or off site.

Development within Existing Residential Areas

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

Policy H5 Development within Existing Residential Areas

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

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

Reasoned Justification

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

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

SUGGESTED CONDITIONS:

DC11/009/FUL

Planning Ref. No. DC11/009/FUL
Erection of dwellinghouse at Land adjacent to Waulkmill Cottages,
Waulkmill Lane, Duntocher.

List of conditions to be attached if consent is granted by local review body

01. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.
02. 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
03. 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.
04. 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 be implemented as approved.
05. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design and thereafter implemented as approved.
06. 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 the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays	0800-1800
Saturdays	0800-1300
Sundays and public holidays	No working

07. 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.
08. Prior to the commencement of works, full details of all hard surfaces, including those to be used on the road, shall be submitted for the further written approval of the Planning Authority and implemented as approved.
09. Prior to the commencement of the development a full topographical survey showing existing and proposed ground levels and finished floor levels shall be submitted for the further written approval of the Planning Authority and implemented as approved.

APPOINTED OFFICER'S DECISION:

DC11/009/FUL

COPY

Ref No – DC11/009/FUL

Refusal of Planning Consent

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDERS

<u>Proposal</u>	Erection of dwellinghouse
<u>Site</u>	Land Adjacent To Waulkmill Cottages Waulkmill Lane Duntocher Clydebank West Dunbartonshire
<u>Applicant</u>	L Marshall
<u>Agent</u>	N/A

<u>Class of Development</u>	Local Development
<u>Decision Type</u>	Delegated

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

DECISION: REFUSE PLANNING CONSENT FOR THE REASON(S) CONTAINED IN THE ACCOMPANYING PAPER(S) APART.

DATED THIS: 10th day of May 2011

EXECUTIVE DIRECTOR of HOUSING, ENVIRONMENTAL
AND ECONOMIC DEVELOPMENT
COUNCIL OFFICES,
CLYDEBANK G81 1TG

SIGNED 
for WEST DUNBARTONSHIRE COUNCIL

1. The proposed development would be contrary to Policy H5 of the West Dunbartonshire Local Plan 2010 as it would result in a development which would adversely affect the appearance and character of the surrounding area in terms of its scale, density and relationship with surrounding properties.
2. The proposal would result in intensified use of a substandard road which: [a] has inadequate sightline splays at the connection with the A810; [b] has inadequate provision for pedestrians; and [c] has insufficient width to permit two-way operation or passing places. As such, the proposal would be detrimental to the safety and convenience of road users and contrary to policy GD1 of the West Dunbartonshire Local Plan 2010.

FOR NOTING

Informatives

01. The plans referred to as part of this decision are 01, 02, 03, 04

WEST DUNBARTONSHIRE COUNCIL
REPORT OF HANDLING (Delegated)

APP NO: DC11/009/FUL

CASE OFFICER: Ms Lorna Ramsey

ADDRESS/SITE: Land Adjacent To Waulkmill Cottages, Waulkmill Lane,
Duntocher, Clydebank

PROPOSAL: Erection of dwellinghouse.

1.0 Site Description/Development Details

Waulkmill Lane is a single track road accessed from Dumbarton Road which provides vehicular access to 5 houses and a car repair garage. The applicant owns the house at the end of the lane and proposes to use a portion of its garden ground to build a detached house. The site slopes rather steeply downwards from west to east therefore it is proposed to build the house into the slope with the front of the house facing east and towards the road. As the site also slopes downwards from north to south the floors within the house would be stepped so that each floor in the southern part of the house would sit slightly lower than the corresponding floor in the northern part of the house. The detached house would contain a garage, bedroom and en suite on the ground floor, a kitchen, WC and lounge on the first floor and a bedroom in the roof space. The property would be finished with grey concrete roof tiles, white render on the walls and cedar boards on the faces of the dormer windows.

A previous application (DC09/098/OUT) seeking outline permission for the erection of a dwellinghouse on the same site (and with indicative plans identical to those now proposed) was refused under delegated powers in 2009. The application was refused for 2 reasons. The first being that the development would be contrary to policy H5 of the Clydebank Local Plan 2004 as it would result in a development which would adversely affect the appearance and character of the surrounding area in terms of its scale, density and relationship with surrounding properties. The second reason was that the proposal would result in intensified use of a substandard road and as such would be detrimental to the safety and convenience of road users.

2.Consultations

Environmental Health has no objection.

Roads Services recommends refusal of the application noting that the lane is sub-standard in design, construction and geometry.

West Of Scotland Archaeology Service has no objections.

3.Application Publicity

None

4. Representations

Four representations have been received in connection with the application. All of the representations have been made by residents of Waulkmill Lane who object to the proposal for reasons which can be summarised as follows:

- Existing problems with access and parking due to lane being in poor condition and unable to cope with current volume of traffic, access issues for emergency vehicles are already compromised, pedestrian safety at risk. An additional dwelling would increase these problems.
- Proposed house would be too close to existing houses and would cause noise, disturbance, overshadowing and overlooking of adjacent properties.
- Proposed house would be too large for the site.
- Waulkmill Lane is already overdeveloped.
- Building on the site would detract from the natural beauty of the area and have detrimental impact on wildlife.
- The plot of ground was sold with the burden that it would be used as ornamental garden ground and for no other purpose.
- Existing problems with drainage which would be made worse and stability of ground would be affected by ground works.
- Submitted drawings are not to scale and do not truly reflect the positioning and distances between properties and the steep slopes involved.
- 'Chez Nous' does not own the full length of road and therefore they do not have the authority to carry out work to it.

5. Relevant Policy

West Dunbartonshire Local Plan

H5 - Housing within Existing Residential Area

GD1 - Development Control

6. Appraisal

The existing properties accessed from Waulkmill Lane range in style and age, but have been built in such a way as to avoid having a detrimental impact on the residential amenity of each of the other properties. Although the lane is narrow it does not currently give the impression of being overdeveloped. The space between the properties provides a setting for each house and adds to the character of the area. Although the plot to house ratio of the proposed development is not dissimilar to that of Balnakeil to the south the land is steeply sloped and therefore the small area of surrounding garden ground would have limited use as outdoor amenity space. The development would also result in a large part of the applicant's garden at 'Kilbowie' being lost. Kilbowie (formerly 'Chez Nous') is a large, single storey, 1960s or '70s style house with architecture characteristic of its time, and the loss of a large part of its garden would have a detrimental impact on its setting and amenity. The erection of a house on this site would erode the spacing between the existing properties resulting in the loss of some of the character of the lane.

The proposed house would sit on higher ground than Mill House which is situated approximately 10 metres away on the opposite side of the lane. It would also be a taller house having two and a half storeys, in contrast with Mill House's single storey. It is considered that this would result in the proposed property having an overbearing impact on Mill House and would also cause overlooking and privacy issues.

The Council's Road Service has recommended refusal of the application noting that the lane is sub-standard in design, construction and geometry. They do not consider it appropriate to permit further development giving rise to additional traffic as the existing sightline splays from the lane onto the main road (A810) are restricted in both directions. Objectors have also raised concerns with access and parking due to the poor condition of the lane which is already unable to cope with current traffic volumes.

The representations submitted also included other points which have not been covered above. The fact that the ground was sold with the burden that it can only be used as ornamental garden ground and the ownership of the road are private legal matters which would be for the applicant to resolve, and cannot be taken into account. Drainage problems and ground stability are technical issues which it would be for the applicant to address. The site plan showing the outline of the proposed house and surrounding properties has been produced from Ordnance Survey maps and is therefore considered to be broadly accurate.

The current proposed development is identical to the indicative proposal in the previously refused application. Planning policies have not changed significantly since the previous application and the adoption of the new West Dunbartonshire Local Plan, and no case has been made as to why the development should now be considered to be acceptable. Over all, it is considered that the proposed development would have a detrimental impact on the amenity of neighbouring houses and on the character of the lane. It would also place further pressure on a road which is already sub-standard.

7. Added Value

None.

8. Recommendation

Refuse planning permission.

9. Reasons

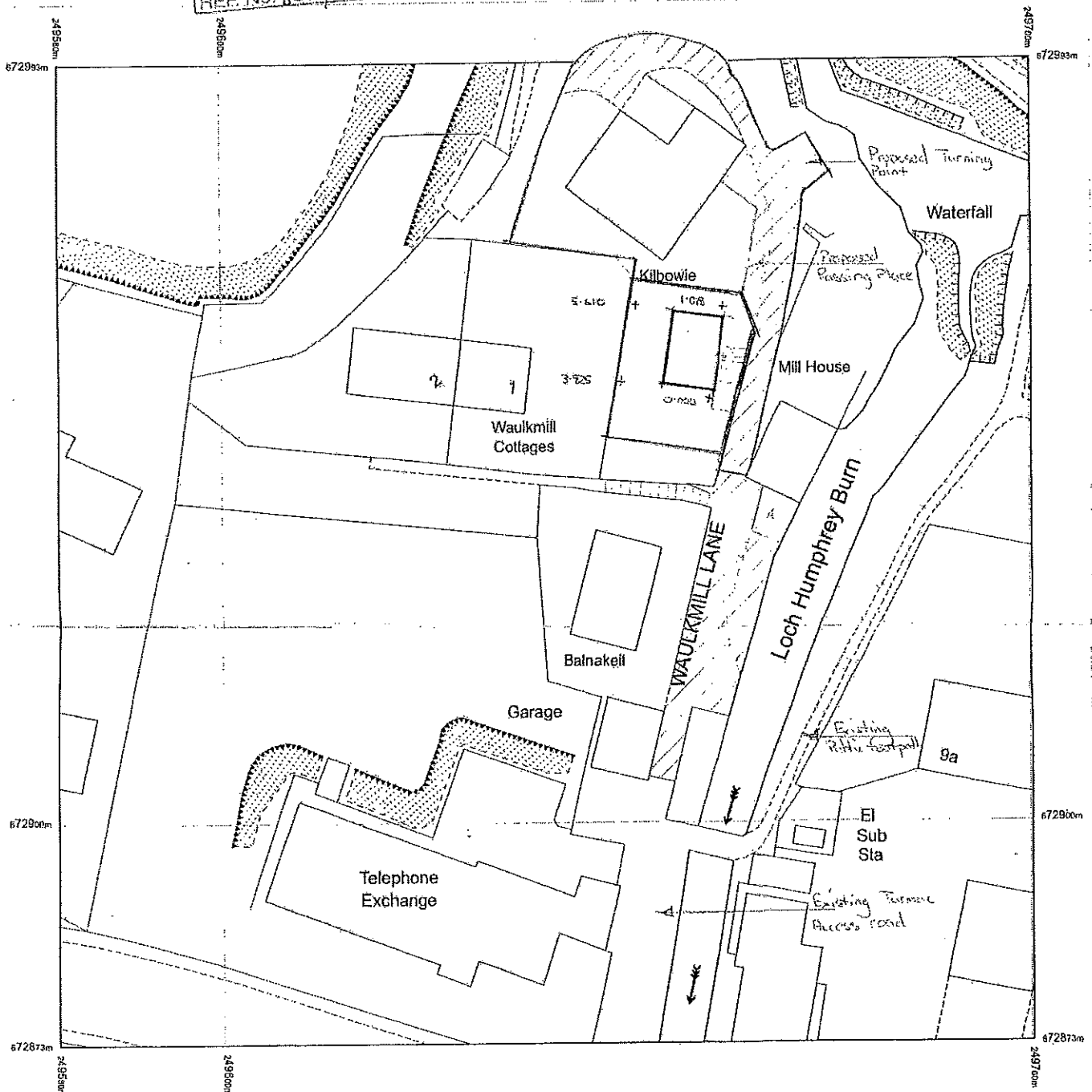
Reason	The proposed development would be contrary to Policy H5 of the West Dunbartonshire Local Plan 2010 as it would result in a development which would adversely affect the appearance and character of the surrounding area in terms of its scale, density and relationship with surrounding properties.
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Reason The proposal would result in intensified use of a substandard road which;
[a] has inadequate sightline splays at the connection with the A810;
[b] has inadequate provision for pedestrians; and
[c] has insufficient width to permit two-way operation or passing places
As such, the proposal would be detrimental to the safety and convenience of road users and contrary to policy GD1 of the West Dunbartonshire Local Plan 2010.

FOR NOTING
Informatives

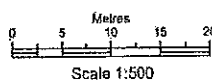
01. The plans referred to as part of this decision are 01, 02, 03, 04

PLANNING SERVICES
RECEIVED
31 JAN 2011
PASS TO [] KM
REF. No. DC11/009



Existing line indicated
To be compacted with Type 1
and lower block tarmac
surface applied

BLOCK PLAN



Supplied by: Hobe Reprographics
Serial number: 00057100
Centre coordinates: 249640.25 672933.25

Further information can be found on the
OS Sitemap Information leaflet or the
Ordnance Survey web site:
www.ordnancesurvey.co.uk

Rev A Property Boundaries Indicated
Ground Levels Indicated

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
REFUSED

APPLICATION No. DC11/009 DATE: 10/5/11

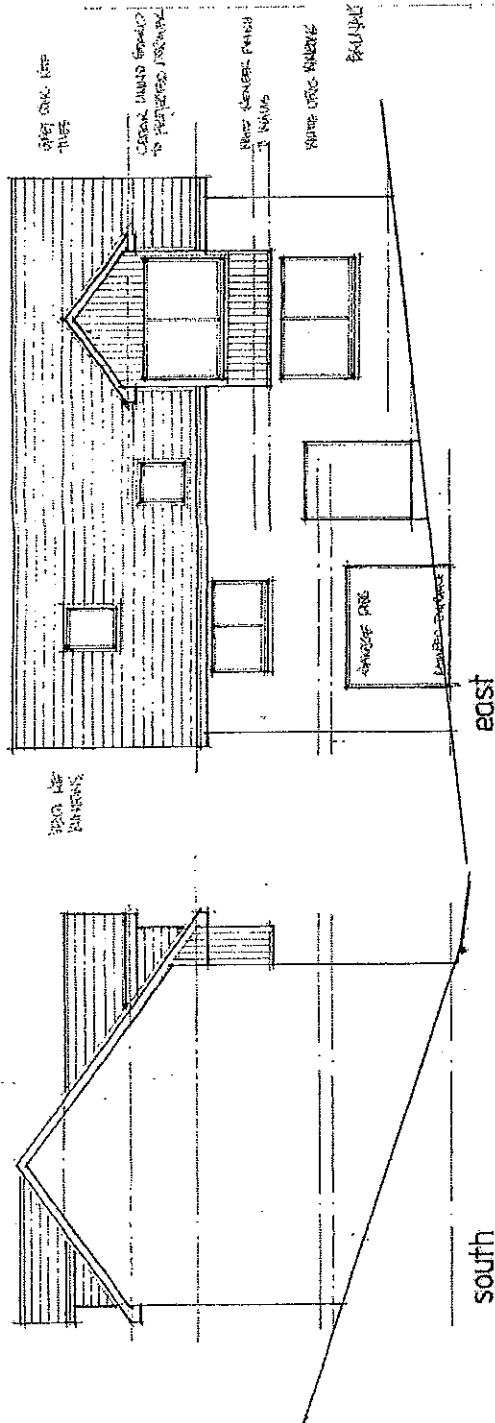
client: Ms. L. Marshall

project: Proposed dwellinghouse, Kilbowie

title: Block plan and Proposed Road Modifications

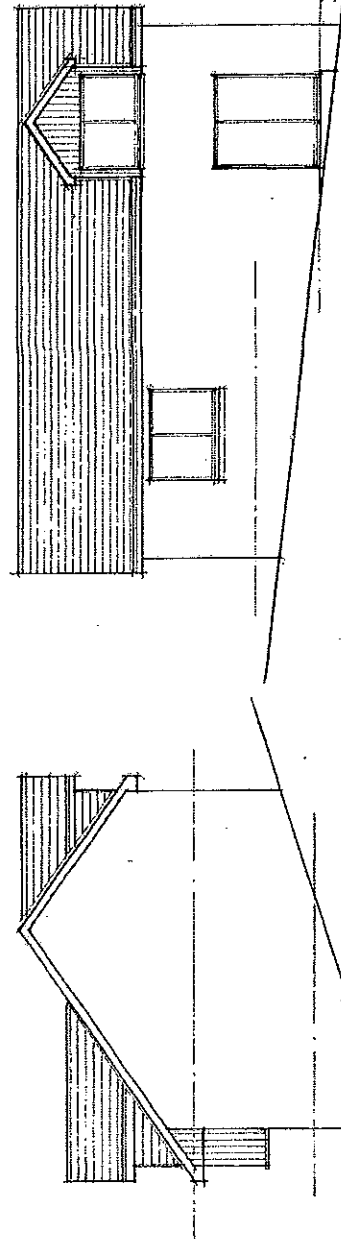
Dec 11/009

48



south

east



north

west

Proposed elevations

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
REFUSED

APPLICATION No. Dec 11/009 DATE 14/11/11

PLANNING SERVICES RECEIVED	10 JAN 2011	PASS TO	REF. NO.
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client: Mrs. L. Marshall
project: Proposed dwellinghouse, 111/120 Ave
title: Elevations and block plan as proposed

PLANNING APPLICATION CONSULTATION RESPONSE

DC11/009/FUL

Lorna Ramsey

From: Raymond Walsh(Roads)
Sent: 06 May 2011 16:11
To: Lorna Ramsey
Cc: Bill Johnstone; John Walker (Roads)
Subject: RE: General Case Correspondence

Lorna

I can confirm that our previous observations remain relevant and are applicable to the current application.

We would therefore reiterate our recommendation for refusal.

I trust that this clarifies our position and allows you to progress the application.

Raymond Walsh 01389 737615

Cc 54/58

-----Original Message-----

From: Lorna Ramsey
Sent: 06 May 2011 16:03
To: Raymond Walsh(Roads)
Subject: General Case Correspondence

Raymond,

In relation to the above application which I am currently writing up a report for recommending refusal I can confirm that Roads comments on the previously refused application DC09/098/OUT were as attached.

I would appreciate if you could confirm that your comments have not changed.

Regards,

Lorna Ramsey
Planning Officer
West Dunbartonshire Council
01389 73 8586

Ashleigh Ross

From: Alex Gilchrist
Sent: 11 June 2009 11:41
To: planningscanindex
Subject: FW: DC09/098/OUT Erection of Dwelling house (Outline) Adjacent to Waulkmill Cottages, Waulkmill Lane Duntocher.

Roads consultation response – not to be redacted

From: Raymond Walsh(Engineer)
Sent: 10 June 2009 09:21
To: Alex Gilchrist
Cc: Jack McAulay
Subject: DC09/098/OUT Erection of Dwelling house (Outline) Adjacent to Waulkmill Cottages, Waulkmill Lane Duntocher.

Alex

I refer to your request for our observations on the above proposal.

I would note our comments as below:

The existing Waulkmill Lane is sub – standard in design, construction and geometry.

The existing sightline splays to the A810 District Distributor Road are restricted in both directions but particularly to the west and are appropriate only for a private access.

This private access presently serves 5 residential and two commercial properties. I do not consider it appropriate that any further development should be permitted unless the access is improved to current WDC specifications for a public road with respect to the criteria referred to above.

The application proposes no improvements on the plans submitted (Location Plan, Elevations x 1, I would note that section 9 of the application indicates that there will be an improvement. Section 10 indicates that there are two parking spaces whilst only one (garage space) is shown.

I would therefore recommend refusal of the application as submitted.

I trust that this clarifies our position and allows you to progress that application

Raymond Walsh 01389 737615

CC 54/58

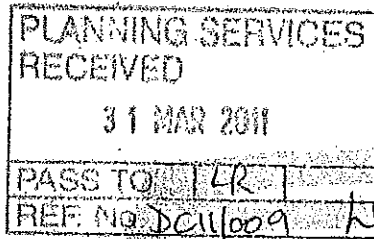
22/06/2009

REPRESENTATIONS ON PLANNING APPLICATION

DC11/009/FUL

Planning Services Manager
West Dunbartonshire Council
Housing, Environment and Economical Development
Council Offices
Roseberry Place
Clydebank
G81 1TG

A. Culley/J.Orr
1 Waulkmill Cottages
Waulkmill Lane
Duntocher
Clydebank
G816AS



29TH March 2011

Application No.: DC11/009/FUL

Dear Sir/Madam

REPRESENTATION OF OBJECTIONS TO APPLICATION FOR PLANNING PERMISSION TO CARRY OUT DEVELOPMENT OF PROPOSED DWELLINGHOUSE WITHIN GARDEN AREA OF CHEZ NOUS, WAULKMILL LANE, DUNTOCHER

Thank you for your neighbour notification dated 24 March 2011 and received 29 March 2011, regarding the above.

We write to raise representation of objections to this proposal.

Land For Ornamental Use Only – Land Register of Scotland

The land that is the location of the proposed development was sold by the owners of our cottage with the following Burden recorded in the Land Register of Scotland Land Certificate:

“The plot of ground hereby disposed is to be used by my said disponee and his foresaids as ornamental garden ground and for no other purpose”

It is therefore our understanding that the ground cannot be used for the erection of any structure and applications to develop on it would be fruitless. Please refer to attached copy extract.

Applicants Interpretation of Neighbour Objection and Statements Regarding Trees Incorrect

We note that the applicant, in her letter accompanying her application, has stated some incorrect facts and we would like to correct these matters. Firstly, the applicant states “I would confirm the neighbour objection was the impact to trees and nature”, this is incorrect and previous correspondence to West Dunbartonshire Council (WDC) from ourselves clearly shows that objections were much more substantive than this – please refer to previous correspondence, copies enclosed. Secondly, the applicant states “During the resulting period of time the neighbours have chopped/cut back the existing deciduous trees to the detriment of the surroundings”, again this is incorrect. A professional tree surgeon company, employed by ourselves, has carried out annual pruning work to the trees within our garden, in order to protect the trees and encourage future healthy growth. There was one tree that was found to be dead and required to be removed for safety reasons. All of this can be confirmed by the tree surgeons.

Proposed Upgrading to Road, Inclusion of Turning Point and Passing Place

We note that the applicant has also stated that she has "amended my proposal to incorporate a turning point, passing place, add an additional parking place and upgrade the existing road", however, we would advise that there is simply not enough space for this to happen. Where the applicant indicates that the turning point will be is a parking space currently occupied by cars at Chez Nous. The space where they propose to have a passing place is not large enough for such a purpose. There are currently insufficient parking spaces for the number of cars at Chez Nous, to the extent that they use land owned by another party for parking their cars and turning. Should the owner of this land stop them from doing this, there would be even less parking space available. Indeed, the facility for parking cars has already been reduced within the area as the applicant has bricked up the internal garage that was part of Chez Nous and turned into an internal house room, therefore reducing car parking.

In respect to the upgrading of the road, Chez Nous is not the owner of the full length of road shown and does not have the authority to carry out work to the sections of road that they do not own, instead being simply responsible to pay a share of any maintenance works instructed by the owners. The section of the road that is owned by Chez Nous is currently not maintained and we see no reason why this would change, and indeed the addition of another dwelling and the works involved in erecting such a dwelling would only serve to make matters worse. The full length of the road is not currently adequately maintained by any of its owners and the addition of another dwelling and its associated traffic would only serve to worsen this.

Loss of residential amenity

There would be significant loss of light to our own dwelling house being directly behind the proposed site and to the dwelling house directly in front of the proposed site.

There would be noise and disturbance caused by the close proximity of the proposed dwelling on the proposed site.

Due to the close proximity of the proposed dwelling house there would be a loss of privacy both to our own property and to the property directly in front of the site as there would be intrusive overlooking. There would especially be on and over looking issues for our own property due to the proposed rear top floor and roof space windows (Bedroom and roof space), 1st floor rear windows (lounge and family room), rear patio doors and the size and close proximity to the proposed dwelling house's small rear garden.

Drainage & Infrastructure Problems

The area in which the proposed dwelling house would be built already suffers from drainage and infrastructure problems that would only be worsened by the development of another dwelling house. The area suffers from poor drainage due to the topography and infrastructure in place, which would not cope with the requirements of another dwelling house.

The existing road servicing the area is in poor condition and is little maintained, and the addition of another dwelling house and associated traffic would only worsen this.

This area of Waulkmill Lane is a very small and compact area which already has more dwelling houses and traffic than the infrastructure can comfortably cope with, and the addition of another dwelling house would only worsen these problems.

There would be no room for the additional traffic generated by another dwelling house and there is insufficient room for a turning circle, parking areas or a passing place.

Increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

It is already difficult to drive through the lane due to existing dwelling houses and associated traffic and this would only be worsened. This would be a major concern for the access of emergency vehicles if they were to be required.

The topography of the site is such that extensive ground works and extensive use of retaining structures would be required, all of which would threaten the stability of the surrounding ground and dwelling houses, especially our own.

The site is too small for the size of dwelling proposed.

Impact On Built Environment

As expressed above, this area of Waulkmill Lane is already overdeveloped and conditions would be worsened by a further development here.

The proposed site is too close to the existing dwelling house of Chez Nous, with the site plan edge being at the corner edge of the Chez Nous building.

The proposed development would more than half the garden area of the existing Chez Nous.

As advised above, increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

Impact On Natural Environment

Any further development in this area of Waulkmill Lane would have a detrimental impact on the natural environment for existing residents of the area and for the wildlife of the area. There would be a loss of green space to the local environment and a loss of habitat for wildlife currently using the area.

As stated above, the proposed site is too close to the existing dwelling house of Chez Nous, with the site plan edge being at the corner edge of the Chez Nous building, and would more than half the garden area of the existing Chez Nous.

We would request that you please take these representations into account when considering the application. We would be more than happy to make ourselves available to discuss these matters in more detail with Council officials.

We thank you in advance for your assistance and await your notification of the Council's decision.

Yours faithfully



A Culley
J Orr

58
Extended
over

(LAND REGISTRATION (SCOTLAND) RULES 1980, RULE 14)

REGISTERS OF SCOTLAND
Executive Agency



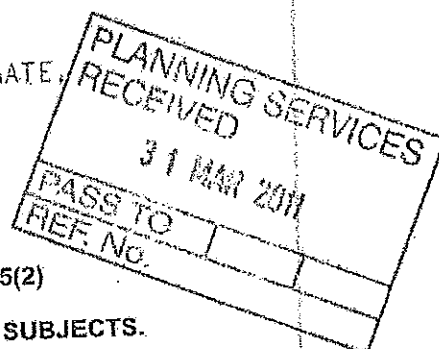
Information about Scotland's land & property

LAND REGISTER OF SCOTLAND LAND CERTIFICATE

VERSION 28/11/2004

Title Number: DMB48828

Subjects: WAULKMILL COTTAGE, HARDGATE,
CLYDEBANK G81 6AY.



THIS LAND CERTIFICATE, ISSUED PURSUANT TO SECTION 5(2)
OF THE LAND REGISTRATION (SCOTLAND) ACT 1979,
IS A COPY OF THE TITLE SHEET RELATING TO THE ABOVE SUBJECTS.

STATEMENT OF INDEMNITY

Subject to any specific qualifications entered in the Title Sheet of which this Land Certificate is a copy, a person who suffers loss as a result of the events specified in section 12(1) of the above Act shall be entitled to be indemnified in respect of that loss by the Keeper of the Registers of Scotland in terms of that Act.

ATTENTION IS DRAWN TO THE NOTICE AND GENERAL INFORMATION OVERLEAF.



LAND REGISTER OF SCOTLAND



TITLE NUMBER DMB48828

D1

D. BURDENS SECTION

ENTRY
NO

SPECIFICATION

- 1 Disposition by Walter Gowans Manuel to Isabella Manuel or Hill and her heirs and assignees, recorded G.R.S. (Dumbarton) 18 Jun. 1947 of 1,100 square yards of which part of the subjects in this Title form part, contains the following reservation:

Excepting and reserving always to me and to my heirs and assignees whomsoever the right to continue to use all existing drains, gas water and electricity supply pipes, telephone cables etcetera passing through the property hereby disposed and declaring also that my said disponee and her foresaids shall have a similar right to use all existing drains gas water and electricity supply pipes telephone cables etcetera passing through the remaining parts of the plot of ground containing two acres and fifty eight One hundredth parts of an acre belonging to me of which the subjects in this Title form part.

- 2 Disposition by Isabella Manuel or Hill to William Adams and his heirs and assignees, recorded G.R.S. (Dumbarton) 31 Oct. 1966, of 356.7 square yards of ground, contains the following burdens:

(First)

A servitude right of access in favour of me and my successors and assignees as proprietors of Waulkmill Cottage, Duntocher for foot and wheeled traffic over the access road nine feet in width tinted yellow on the Title plan: Declaring that I and my foresaids and assignees shall be responsible for a one third share of the cost of maintenance and upkeep of the said access road but only after my said disponee has re-surfaced the said access road with tarmacadam or other suitable material to the satisfaction of me and my foresaids; and

(Second)

The plot of ground hereby disposed is to be used by my said disponee and his foresaids as ornamental garden ground and for no other

LAND REGISTER OF SCOTLAND



TITLE NUMBER DMB48828

D2

D. BURDENS SECTION

ENTRY
NO

SPECIFICATION

purpose:

copy - 61

Development Management
West Dunbartonshire Council
Council Offices
Roseberry Place
Clydebank
G81 1TG

A. Culley/J.Orr
1 Waulkmill Cottages
Waulkmill Lane
Duntocher
Clydebank
G81 6AS

18th January 2011

F.A.O. Maureen Walker

Dear Ms Walker

REPRESENTATION OF OBJECTIONS TO APPLICATION FOR PLANNING PERMISSION FOR
ERECTION OF DWELLINGHOUSE AT LAND ADJACENT TO WAULKMILL COTTAGES,
WAULKMILL LANE, DUNTOCHER
REF: DC11/009/FUL

We refer to the above and previous correspondence and thank you for taking the time to offer assistance.

We note from the Council website that there has been an application, as detailed above, which has currently been awarded a status of invalid.

A previous application was submitted in 2009 and we objected at that time -- please refer to attached copy.

In our initial objection we did not advise of another important objection reason, and would now like to make the Council aware of this matter. The land that is the location of the proposed development was sold by the owners of our cottage with the following Burden recorded in the Land Register of Scotland Land Certificate:

"The plot of ground hereby disposed is to be used by my said disponent and his foresaids as ornamental garden ground and for no other purpose"

It is therefore our understanding that the ground cannot be used for the erection of any structure and applications to develop on it would be fruitless. If you would like us to provide you with a copy of the land certificate, please just let us know and we will obtain a copy.

We would request that you please take these representations into account when considering the application.

We thank you in advance for your assistance and await your notification of the Council's decision.

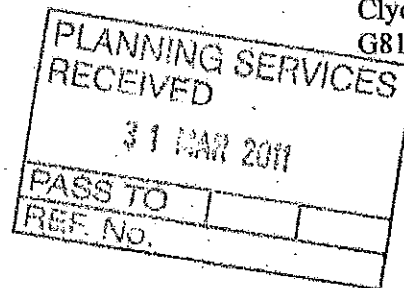
Yours sincerely

A Culley
J Orr

copy 62

Planning Services Manager
West Dunbartonshire Council
Housing, Environment and Economical Development
Council Offices
Roseberry Place
Clydebank
G81 1TG

A. Culley/J.Orr
1 Waulkmill Cottages
Waulkmill Lane
Duntocher
Clydebank
G81 6AS



14th April 2009

Dear Sir/Madam

REPRESENTATION OF OBJECTIONS TO APPLICATION FOR PLANNING PERMISSION TO CARRY OUT DEVELOPMENT OF PROPOSED DWELLINGHOUSE WITHIN GARDEN AREA OF CHEZ NOUS, WAULKMILL LANE, DUNTOCHER

We refer to the above and received neighbour notification.

We would like to raise representation of objections to this proposal as follows:

1. Loss of residential amenity

There would be significant loss of light to our own dwelling house being directly behind the proposed site and to the dwelling house directly in front of the proposed site.

There would be noise and disturbance caused by the close proximity of the proposed dwelling on the proposed site.

Due to the close proximity of the proposed dwelling house there would be a loss of privacy both to our own property and to the property directly in front of the site as there would be intrusive overlooking.

There would especially be on and over looking issues for our own property due to the proposed rear top floor and roof space windows (Bedroom and roof space), 1st floor rear windows (lounge and family room), rear patio doors and the size and close proximity to the proposed dwelling house's small rear garden.

2. Drainage & Infrastructure Problems

The area in which the proposed dwelling house would be built already suffers from drainage and infrastructure problems that would only be worsened by the development of another dwelling house.

The area suffers from poor drainage due to the topography and infrastructure in place, which would not cope with the requirements of another dwelling house.

The existing road servicing the area is in poor condition and is little maintained, and the addition of another dwelling house and associated traffic would only worsen this.

This area of Waulkmill Lane is a very small and compact area which already has more dwelling houses and traffic than the infrastructure can comfortably cope with, and the addition of another dwelling house would only worsen these problems.

There would be no room for the additional traffic generated by another dwelling house and there is insufficient room for a turning circle into the proposed garage of the dwelling house.

Increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

It is already difficult to drive through the lane due to existing dwelling houses and associated traffic and this would only be worsened. This would be a major concern for the access of emergency vehicles if they were to be required.

The topography of the site is such that extensive ground works and extensive use of retaining structures would be required, all of which would threaten the stability of the surrounding ground and dwelling houses, especially our own.

The site is too small for the size of dwelling proposed.

3. Impact On Built Environment

As expressed above, this area of Waulkmill Lane is already overdeveloped and conditions would be worsened by a further development here.

The proposed site is too close to the existing dwelling house of Chez Nous, with the site plan edge being at the exact corner edge of the Chez Nous building, with no ground left between.

The proposed development would more than half the garden area of the existing Chez Nous.

As advised above, increased traffic generation and very serious road safety and car parking issues would result for the proposed development.

4. Impact On Natural Environment

Any further development in this area of Waulkmill Lane would have a detrimental impact on the natural environment for existing residents of the area and for the wildlife of the area. There would be a loss of green space to the local environment and a loss of habitat for wildlife currently using the area.

As stated above, the proposed site is too close to the existing dwelling house of Chez Nous, with the site plan edge being at the exact corner edge of the Chez Nous building, with no ground left between and would more than half the garden area of the existing Chez Nous.

We would request that you please take these representations into account when considering the application.

We thank you in advance for your assistance and await your notification of the Council's decision.

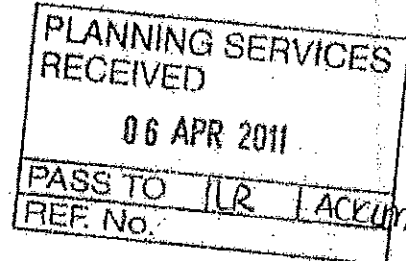
Yours faithfully

A Culley
J Orr

Mill House
Waulkmill Lane
Duntocher
G81 6AS

4 April 2011

West Dunbartonshire Council
Planning Services
Housing, Environmental and Economic Development
Council Offices
Rosebery Place
Clydebank
G81 1TG



Dear Sir / Madam,

Planning Application No. DC11/009/FUL
Land Adjacent to Waulkmill Cottages, Waulkmill Lane, Duntocher

I refer to receipt of intimation of a second planning application to build a dwelling house at Waulkmill Lane, Duntocher next to the house "Chez Nous". Further to your letter and "Neighbourhood Notification" dated 24 March 2011, which was received on 30 March 2011; I am making representation against this development on the following grounds:

1. Apparent change of land use

1.1 I understand the proposed development land is designated to be used for garden purposes only.

2. Original planning decision

2.1 This second planning application appears to differ very little from the original application (DC09/098/2009) which was refused on 22 June 2009.

With reference to the West Dunbartonshire Local Plan 2010, Section 4 Policy GD1, and Section 6 Policy H5:

3. Character and Amenity of the area

3.1 There would be considerable loss of residential amenity with regard to the proximity of the proposed development, and impact on privacy.

3.2 The width of the very narrow lane beside my house is only 3.25m. The proximity of the proposed development to the lane, and its height (2 ½ storeys) would result in considerable overlooking and overshadowing of my single storey property at Mill House; and unacceptable intrusion with regard to privacy, in relation to my property and other properties.

3.3 This proposed development would be unduly prominent and would be oppressive with regard to its proximity and overlooking my home.

3.4 The land on the opposite side of the lane from my house is exceptionally steep; consequently any building on this slope would have an adverse effect on the amount of daylight available to my small house.

3.5 The size of the building footprint of "Chez Nous" in relation to the size of residual garden after subdivision would be totally disproportionate. I do not consider that there would be sufficient garden ground retained for the "Chez Nous" property.

4. Adverse impact with regard to access and parking

4.1 Additional traffic on this very narrow lane would result in further surface deterioration and congestion. As there is no footpath, this is a particular issue with regard to pedestrian safety.

4.2 The entrance to my property is directly opposite the proposed garage and parking space of the development.

4.3 The proposed "turning area" is regularly used by "Chez Nous" for parking two vehicles. It would seem that the double garage at "Chez Nous" is no longer used to accommodate cars, the garage door having been bricked up. This has resulted in loss of garage space for vehicles, and subsequent use of the proposed "turning space".

4.4 I would also anticipate detriment in relation to noise, since my bedroom would be in close proximity to the garage and parking space of the proposed development.

5. Disturbance and risk of property damage during construction

5.1 Manoeuvring of large excavation / construction vehicles in such a confined, steep space during shoring up of sloping ground and construction of the property would, I believe, inevitably result in damage to the fabric of my property. I consider that this, together with machinery vibration could result in risk to the structural integrity of my very vulnerable home.

5.2 Ongoing noise and disturbance would also be inevitable

5.3 During such major excavation there would be many times when access to my property, and to that of my two neighbours at the top of the lane, would be completely blocked – access in or out being impossible for any vehicle including emergency services.

6. Accuracy of technical drawings and area plans

6.1 I do not consider that the drawings as submitted are to scale, and are truly reflective of the relative positioning and distances between properties. They do not reflect the steep slopes involved.

6.2 I anticipate that an official with planning expertise from the relevant department will come to view and assess this site. The exceptional topography of this constricted site cannot be fully appreciated by viewing any paper plan.

My home, Mill House, used to be Duntocher Waulkmill, an old Woollen Mill built in the 1830's beside Humphrey Burn; the building is mentioned in West Dunbartonshire's very interesting information leaflet entitled "Duntocher Hardgate and Faifley Heritage Trail" informing us that the original water wheel arch can still be seen on a wall of my cottage.

Overall, I consider that the proposal constitutes over development, and is at the expense of the current character of this small cluster of semi-rural homes. In addition, it adversely affects the appearance and character of the surrounding area in terms of its scale, density and relationship with surrounding properties. The inclusion in the application of a proposed "passing place" and "turning area" (used by Chez Nous for parking) does not address the increased level of congestion which would inevitably arise should this proposed property be built.

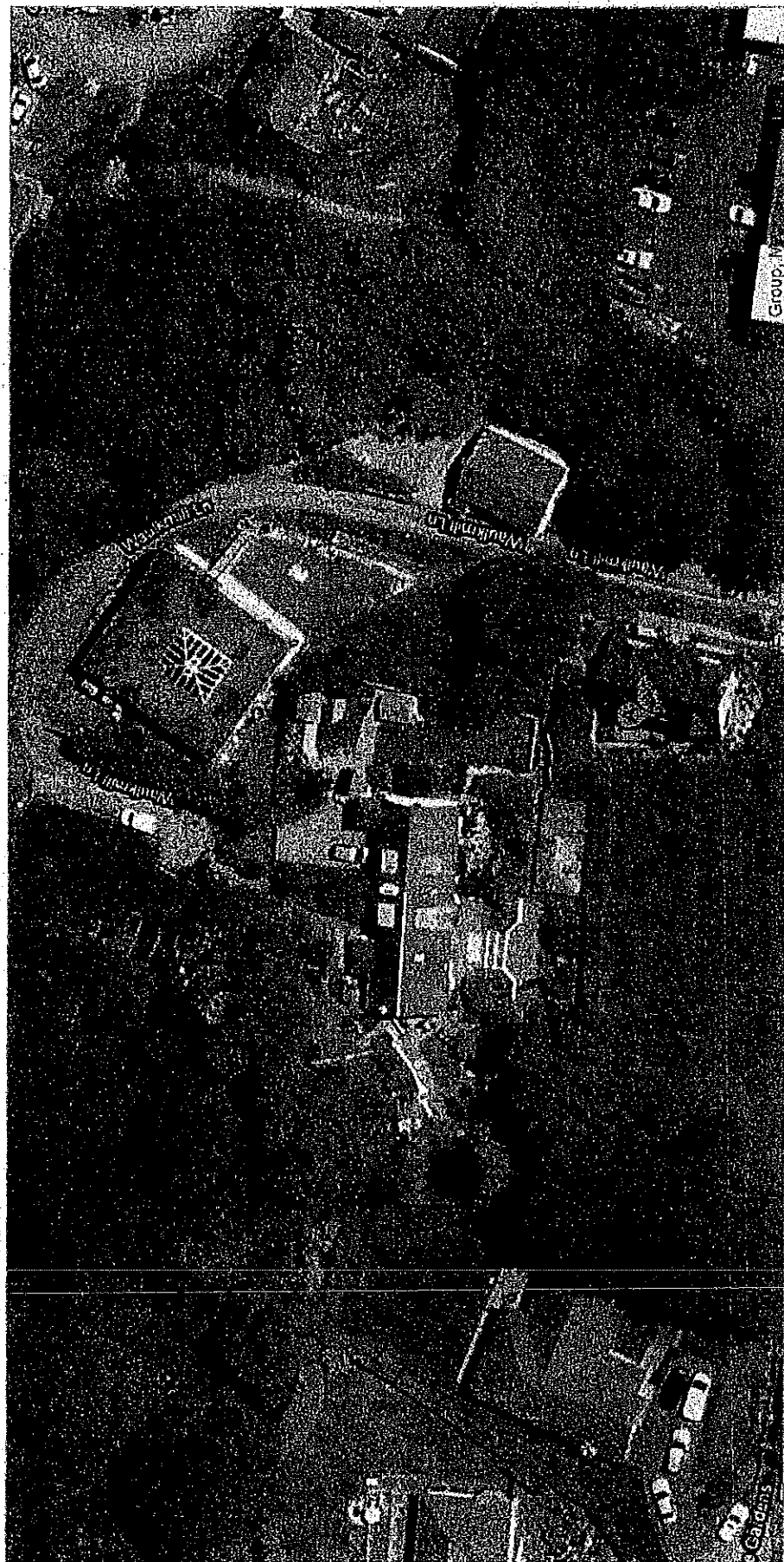
Yours faithfully,



John Brownlie

Google maps

To see all the details that are visible on the screen, use the Print link next to the map.







A - Z of Services

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Document

Document View Accessibility Help(opens in new window)

[Back](#)

PLNRedacted Comment

Case : DC11/009/FUL, Full Application, Ms Lorna Ramsey, Property : LAND ADJACENT TO WAULKMILL COTTAGES, WAULKMILL LANE, DUNTOCHER

Comment on Planning Application

About You

Please provide details about yourself

Forename	Joseph
Surname	Clarke
Address	balnakell waukmill lane duntocher g81 6as
Telephone Number	*****
E-Mail Address	*****

Details

Please provide details regarding this planning application

Case Type	FUL
Comments	I wish to raise Objection to this proposed development for the following reasons: 1) There are a number of access, parking and Traffic problems currently in existence in this area due to the expansion of dwelling houses in this small and restricted space. The lane cannot accommodate the further volumes of traffic an additional dwelling house would generate. Access issues for emergency services etc are already compromised. The number of vehicles using the lane has increased dramatically over the last few years and, apart from the road maintenance issues, pedestrian safety is also at risk. The lane is used as a walkway by residents and cars exit directly onto a public footpath. 2) The Proposed development would be too close to existing dwelling houses overshadowing the houses in front and severely restricting the privacy of the properties both front and rear. The area of the site looks too small to accommodate a development of this size. 3) The land was sold with the proviso that it should be used for ornamental garden purpose only - building on this site would detract from the natural beauty of the area and have a detrimental impact on the existing wildlife. I request that these issues be given serious consideration by the planning officials and I am sure a visit to the site will confirm our reasons for objection are both valid and relevant. Yours sincerely Mr & Mrs J Clarke
Do you support the proposal	No

West Dunbartonshire Council, Garshake Road, Dumbarton, G82 3PU

[Feedback](#) | [Login](#) | [Contact Us](#) | [Privacy Policy](#) | [Disclaimer](#)Tel: 01389 737000 Email: webmaster@west-dunbarton.gov.uk

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Planning Services Manager
 West Dunbartonshire Council
 Housing, Environment and Economical Development
 Council Offices
 Roseberry Place
 Clydebank

Mr and Mrs J Gallacher
 Waulkmill Cottages
 Waulkmill Lane
 Duntocher
 Clydebank
 G81 6AS

PLANNING SERVICES RECEIVED
12 APR 2011
PASS TO [REDACTED]
REF. No. 011001

Ref: Application Number: DC11/009/FUL

Dear Sir/Madam

I am writing with my objections to the above application for planning permission for development of proposed dwelling house adjacent to Waulkmill Cottage, Waulkmill Lane Duntocher.

I the owner of No. 2 Waulkmill Cottage object to the proposed development within garden area of Chez Nous, Waulkmill Lane, Duntocher for the following reasons.

- Proposed upgrading of the road: Chez Nous is not the owner of the full length of the road shown therefore do not have the authority to carry out the work to the sections they do not own. The section of road owned by Chez Nous is currently not maintained.
- The road up to the proposed dwelling house is in a very poor state and also suffers from poor drainage due to the topography and infrastructure, therefore any new development and additional traffic will only worsen this.
- Where a proposed turning point is indicated is not large enough to turn a car, parking or a passing place.
- Increased traffic generation and car parking issues for the proposed development would have a very serious road safety effect on my very young children.
- There is currently insufficient parking for the amount of cars already used by Chez Nous
- The proposed development seems to be larger than the area proposed; therefore there would be no garden space or parking space at both Chez Nous and the proposed dwelling house.
- The proposed development roof height would over shadow both Number 1 and 2 Waulkmill Cottages and would have an impact on our natural light.
- The proposed development would have detrimental impact on the local Natural Heritage trail which is opposite the Mill House, loss of green space and loss of habitat for wildlife.

We request that you would take our objections into consideration when reviewing the above extension of this application.

Thank you in advance and await your notification of your decision.

Yours Sincerely

John Gallacher



PLANNING APPLICATION:

DC11/009/FUL

Chez Nous
Waulkmill Lane
Duntocher
Clydebank
G81 6as

10th January 2011

West Dunbartonshire Council
Planning department
Rosebury Place
Clydebank
G81

Dear Sirs

Proposed Dwelling house Waulkmill lane G81 6AS

Please find enclosed 2 copies of the completed planning application and drawing numbers 101/01 to 03 inclusive.

I would confirm having informal discussions with Mr Walsh at the Roads Department and have amended my proposal to incorporate a turning point, passing place, add an additional parking place and upgrade of the existing road as indicated within drawing number 101/03.

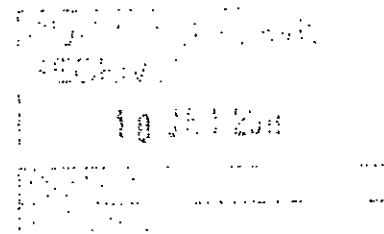
I would confirm the neighbour objection was the impact to trees and nature. During the resulting period of time the neighbours have chopped/cut back the existing deciduous trees to the detriment of the surroundings.

Should you have any queries or clarifications please do not hesitate to contact me.

Yours faithfully,



Lucy Marshall



76
Receipt with applicant £319 (cash)

Receipt No.	WD70828
Reference No.	

WEST DUNBARTONSHIRE COUNCIL PLANNING APPLICATION FORM

TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Please read the notes for guidance before completing this form.

It is important that this form is completed correctly to avoid delays in processing



1. DESCRIPTION OF DEVELOPMENT

ERECTOR OF DOMESTIC DWELLING HOUSE

2. ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

KILBOWIE

WALKMILL LANE DUNTOCHER.

CLYDEBANK C81 6AS.

3. TYPE OF APPLICATION.

I/We apply to the council for:

Please tick

Full Planning Permission (FPP)

☒

Planning permission in principle (PPP)

☐

Approval of matters specified in conditions (AMC)

☐

Reference number(s) of previous permission(s) (if known)

.....

Reference number(s) of Proposal of Application Notice(s) (if applicable)

.....

Have there been any pre-application discussions with Planning?

Yes ☒ No ☐

If yes, what type:

Telephone ☒

Letter ☐

Meeting ☐

Pre-application officer's name

.....

The application is considered to be a:

National Development ☐

Major Development ☐

Local Development ☒

4. APPLICANT'S
DETAILS

Name L MARSHALL
 Address WALKMILL LANE
DUNTOCHER
CLYDEBANK.
 Postcode G81 6AS

Tel.
 M
 F
 E

5. AGENT'S
DETAILS
(if applicable)

Name Tel.
 Address Mobile Tel.
 Fax.
 E-mail.
 Postcode

6. EXISTING USE OF LAND AND OR BUILDINGS

Please give details

GARDEN AREA.

7. RESIDENTIAL DEVELOPMENT.

Number of dwellinghouses proposed 1
 Site Area (hectares) 0.017

8. COMMERCIAL / INDUSTRIAL DEVELOPMENT.

	Existing	Proposed
(a) Site Area (gross)	_____ ha	_____ ha
(b) Total new floorspace	_____ sq. m	_____ sq. m

9. PROPOSED ACCESS ARRANGEMENTS.

Please tick relevant boxes

Do you intend to:

- improve an existing access ☐
 use an existing access ☒
 form a new access from a public road ☐

10. PARKING.

Number of existing parking spaces on site _____

Total number of proposed parking spaces 2

(The above information should be shown on a scale plan)

11. PROPOSED EXTERNAL BUILDING MATERIALS

Please give details

Outside walls TIMBER FRAME WITH BLOCK AND
RENDER.Roof covering CONCRETE INTERLOCKING TILES.Boundary walls (fences, walls etc) TIMBER HEDGE**CHECKLIST**

Please tick all boxes

For Official Use

- | | | |
|--|---|--------------------------|
| I enclose two copies of this form | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I enclose two sets of the necessary plans, documentation and drawings (e.g. Location plan, block plan, elevations) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| pre-application consultation report | <input type="checkbox"/> | <input type="checkbox"/> |
| design statement | <input type="checkbox"/> | <input type="checkbox"/> |
| access statement | <input type="checkbox"/> | <input type="checkbox"/> |
| I enclose the completed land ownership certificate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I enclose the necessary fee of £ <u>319</u> | <input checked="" type="checkbox"/> (refer to fee schedule) | <input type="checkbox"/> |

Your application will not be registered until all these documents and the fee are received.
Failure to submit a pre-application consultation report when necessary will result in the application being Returned.

Plans

- For all applications, 2 copies of a location/site plan must be submitted.
- They should preferably be Ordnance Survey based of scale 1:1250, and include a north point.
- The land to which the application relates must be outlined in red and any other adjoining land you own in blue.
- For full planning applications you also require 2 sets of detailed building drawings drawn accurately, preferably to the scale of 1:50 or 1:100, and including a north point. A proposed off street parking plan should also be supplied.

DECLARATION

Please check that you have completed questions 1-11 and the land ownership certificates correctly. You must now sign the declaration below:

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate)

Date

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £2,000

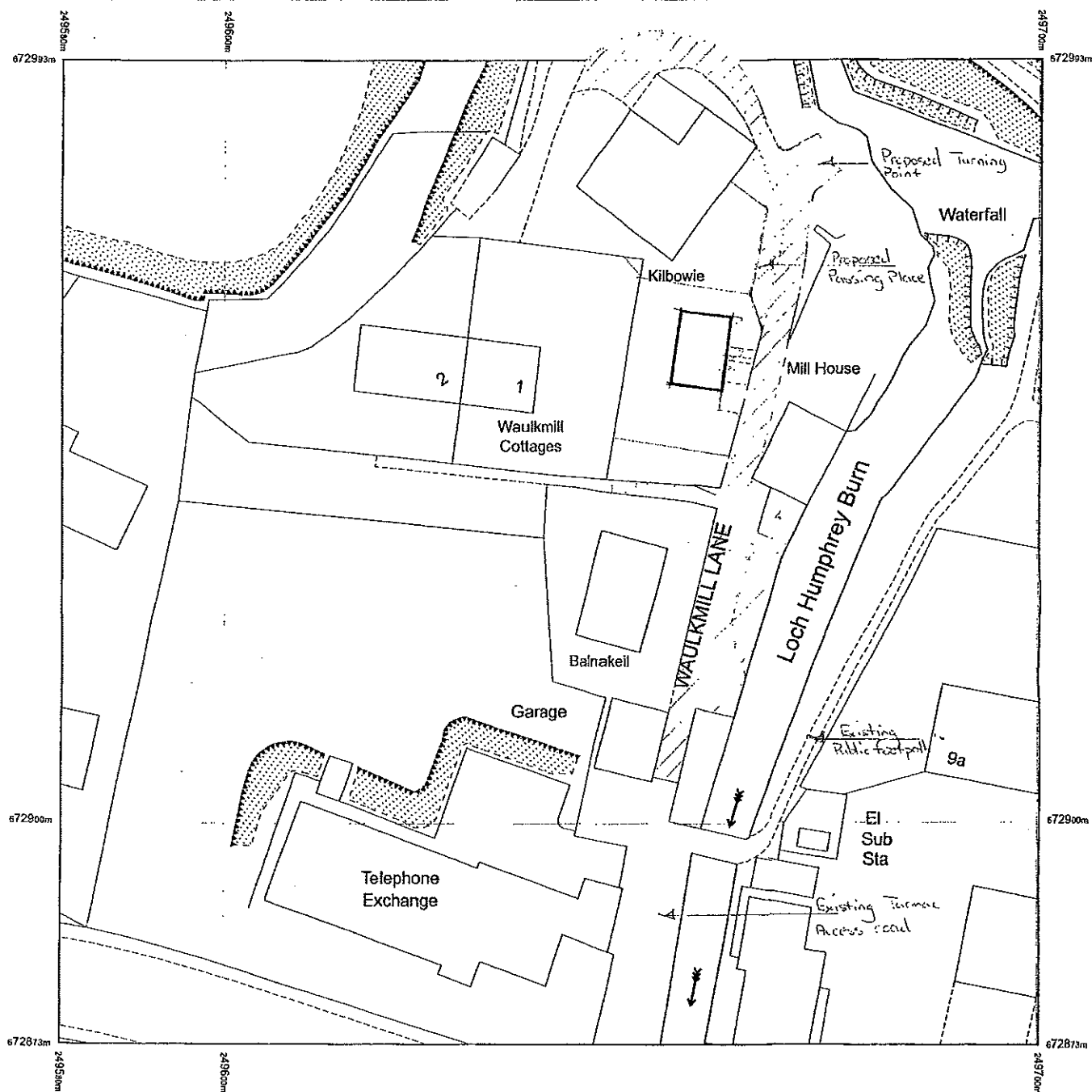
SUBMIT APPLICATION TO.

You should submit the completed application forms (2 copies), together with the necessary plans, drawings (2 copies) and fee to:

West Dunbartonshire Council
Housing, Environmental and Economic Development
Development Management
Council Offices
Rosebery Place
Clydebank
G81 1TG
Tel. 01389 738575
Fax. 01389 738584

Or alternatively, electronically to Development.Management@west-dunbarton.gov.uk
For details of how to pay online please see the Council's web page at www.wdcweb.info/welcome/
Cheques should be made payable to "West Dunbartonshire Council".





BLOCK PLAN



Supplied by: Hobs Reprographics
 Serial number: 00057100
 Centre coordinates: 249640.25 672933.25

Further information can be found on the
 OS Sitemap Information leaflet or the
 Ordnance Survey web site:
www.ordnancesurvey.co.uk

client: Ms. L. Marshall

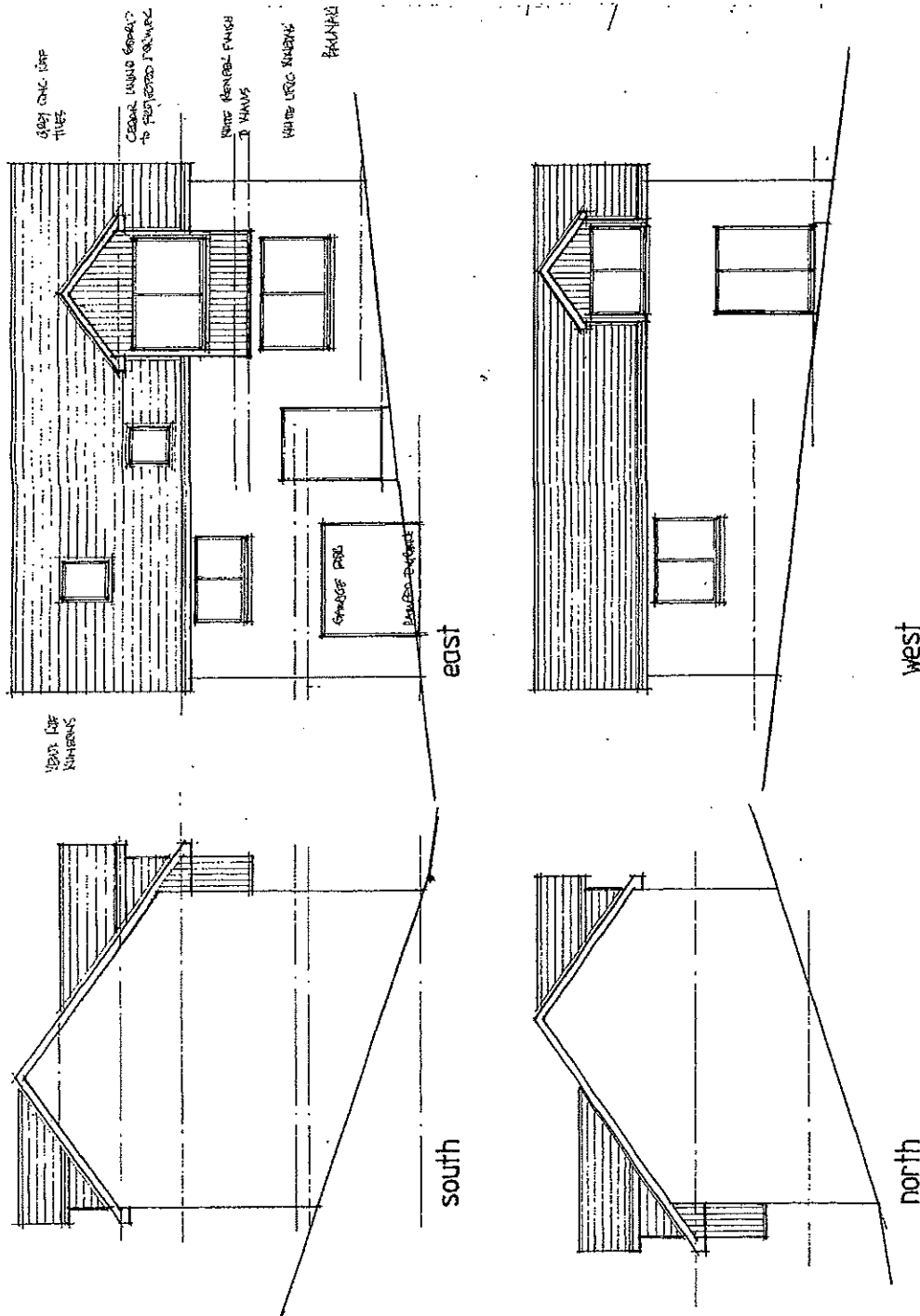
project: Proposed dwellinghouse, Kilbowie

title: Block plan And Proposed Road modifications

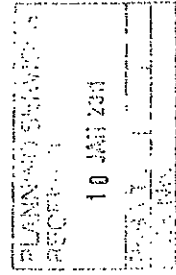
job no: 101 dryna 03" scale: 1:500 drawn TEM date: 01/10

Existing line indicated
 to be compacted with Type 1
 and 60mm thick tarmac
 surface applied

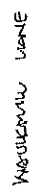
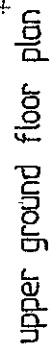
10/10/2011



Proposed elevations



client: Ms. L. Marshall
 project: Proposed dwellinghouse, V11b.wrk
 title: Elevations and block plan as proposed
 job no: 101 New N 03 scale: 1:100 drawn: T.E.M. date: OCT 10



lower ground floor

RECEIVED
10 JAN 2001
MAIL ROOM

client:	Ms. L. Marshall
project:	Proposed dwelling
title:	Plans as proposed