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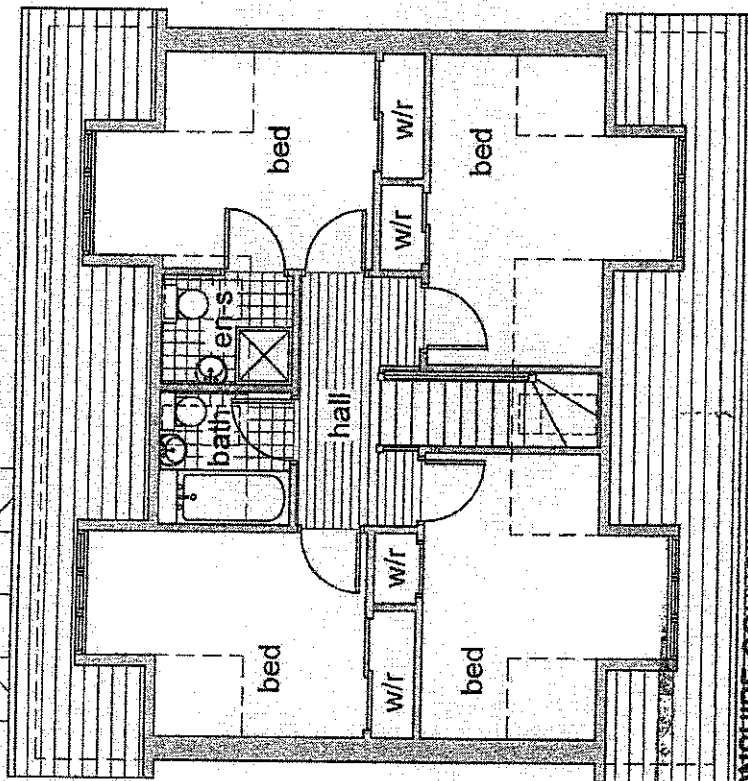
21 DEC 2010

PASS TO

REF No.

Rev	Description	Date
A	Planning Application	20 Aug 10

18



WEST DUNBARTONSHIRE COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972  
REFUSED

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23 AUG 2010

PASS TO

REF No.

Scale 1:100 @ A4

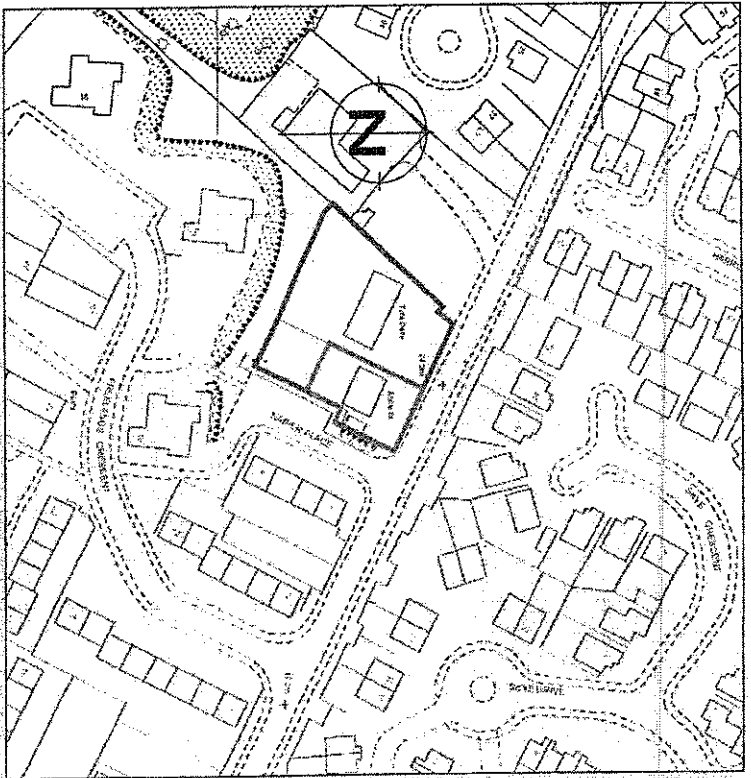
17  
david  
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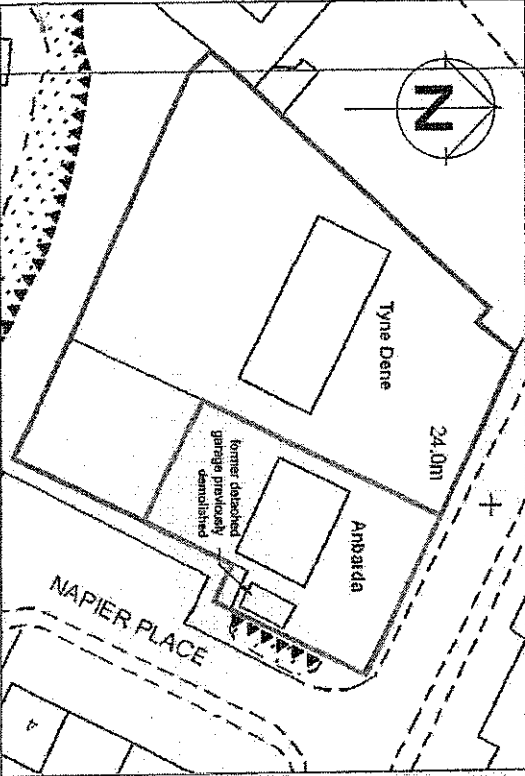
APPLICATION No. 2522, DATE 22/10/10

Client:	Mr Owen Sayers
Project:	Replacement House at: 72 Old Dalnottar Road Old Kilpatrick, G60 5DX
Scale:	Shown
Job No:	720LD
Dwg & Rev	AL(0)03A

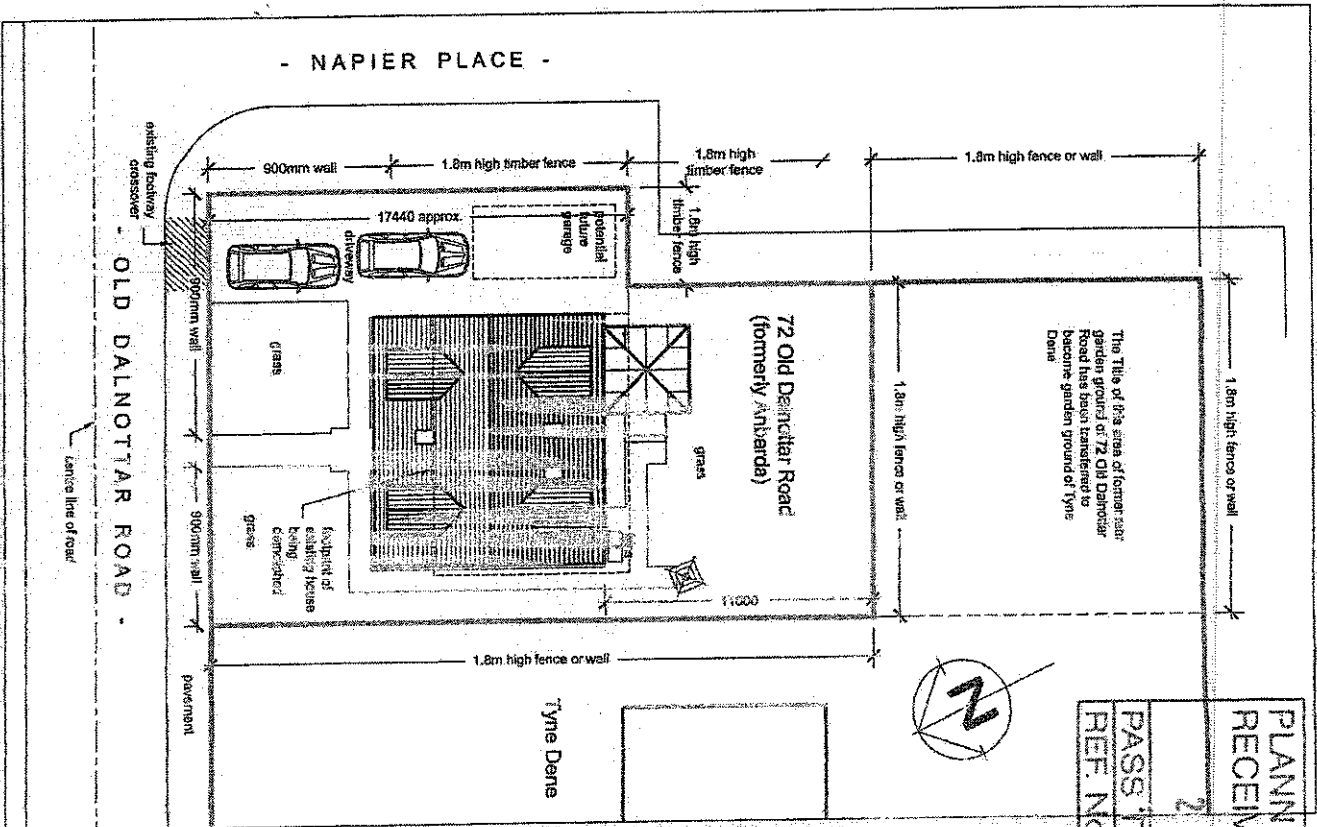
This drawing is the Copyright of David Findlay Architecture and must not be copied or reproduced without permission. This drawing must be read in conjunction with the contract specification and all other architects / engineers, layouts, schedules and details. Where applicable, all dimensions are to be checked on site. This drawing must be read in conjunction with the contract specification and all other architects / engineers, layouts, schedules and details.



Location Plan Scale 1:1250 @ A3



Proposed Site Plan Scale 1:200 @ A3



Proposed Site Plan Scale 1:200 @ A3

PLANNING SERVICES RECEIVED	
21 DEC 2010	
PASS TO	
REF. NO.	

David Findley Architects	
Unit 21, New Street, Industrial Estate, 72 Old Dalnottar Road, Old Dalnottar, G60 6DX	
Scale	1:200
Drawn	AM/PTC
Check	AM/PTC
Project	Replacement House at 72 Old Dalnottar Road, Old Dalnottar, G60 6DX
Client	Mr Owen Sayers
This drawing is to be used for the purpose of obtaining planning permission. It is not to be used for any other purpose without the written consent of the architect.	
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PLANNING SERVICES RECEIVED	
21 DEC 2010	
PASS TO	
REF. No.	

Request for Review – Refusal of Planning Consent – Ref: DC10/262/FU

### Grounds of Review Request

1. The proposal has been refused on the grounds that it *'is contrary to Policies H4 and H5 of the West Dunbartonshire Local Plan, as it would result in the erection of a large dwelling house with an unacceptably small private rear garden, with insufficient room to allow for future extension and with resultant overlooking of the neighbouring garden land to the rear. The proposal would therefore be overdevelopment and would detract from the amenities of both the new and the neighbouring properties'*

Attached are **Productions Nos.1 and 2** – copies of West Dunbartonshire Council Local Plan Policies H4 and H5.

2. It is my contention that both Policies have been misapplied.

Policy H4 relates to New Housing/Residential Developments. I do not believe that my proposal is a new Housing/Residential Development of the type intended to be covered by this Policy. The proposal is for the replacement of an existing established house development with a new house. When read as a whole I would contend that Policy H4 would reasonably be considered as being for *new* housing developments and more appropriately where more than one house is being built. Even if my contention in this matter is not accepted, I will demonstrate further in my later Grounds why I do not believe my proposal to be contrary to Policy H4.

Policy H5 relates to the *'subdivision of a curtilage of a dwelling for a new house.....sufficient garden ground should be retained for the existing house'*. My proposal does not involve the building of a new house in addition to the existing dwelling house. I have sought out a house that is as near to the existing one as possible, and with no windows in the gables. Again, if my contention in this matter is not accepted, I will demonstrate further in my later Grounds why I do not believe my proposal to be contrary to Policy H5.

3. When I first approached the local Planning Officer with my proposals I was requested to submit them in writing – **Production No.3**. I subsequently met with the officer on 10 June 2010. At that meeting he expressed his personal liking for 1930's style bungalows and that refurbishment of the existing bungalow would be his preferred option. He suggested adding a rear extension to the existing bungalow. In regard to my proposal to extend upwards to create additional bedrooms he raised no objection. Crucially both of these proposals accepted the amount of rear garden land that I had proposed adding to my existing garden. It was only the demolition of the existing house and the building of a new one that brought into question the need for more rear garden land than proposed; although I was unable to understand precisely why this was the case as the proposed house is practically the same as the proposal to extend the existing building upwards creating bedrooms in the loft space which did not require any additional rear garden land. I attach copy of the letter received from the officer following the meeting – **Production No.4**.
4. I took professional advice on the viability of refurbishing the existing bungalow but was advised that it was uneconomic.

5. Before the meeting with the Planning Officer I had written to neighbours in Napier Place advising them of my proposals following acquisition of the property – **Production No.5**. I made it clear that if I had to build a new house I would try to keep it as near to the existing house as possible. I subsequently wrote to them in August – **Production No.6** – advising them of the advice I had received and that I had applied for Planning Consent to demolish the existing house and build a replacement house. I re-iterated to them that I had sought out a house that was as near to the existing one as possible, and with no windows in the gable wall overlooking their property. I subsequently spoke with one of the neighbours who expressed the view that anything that replaced the eyesore that had existed for the past 15 years would be preferable. All neighbours were notified by the Planning Department of my proposal. No neighbour has raised any objection to the proposed erection of a replacement house of the size and style proposed.
6. Following my application for Planning Consent I was advised that because of the size of house that I was building, an additional 4 metres in depth of rear garden land would be required in addition to that in my proposal, which allowed for a rear garden depth of 27 feet by 45 feet wide. The requested additional depth would increase the rear garden size by 50%. I would reiterate that the proposed replacement house is almost identical in size to the proposed upward extension of the existing house which required no additional rear garden land. There followed an exchange of emails between my architectural adviser and the Planning Officer in which it was advised that the Planning Officer objected to the additional land being taken into my own rear garden as it would create an L shaped rear garden that would not be in character with the surrounding properties. As the existing house is built well back from the pavement and many of the buildings adjacent and further down the road are built closer to it, I then proposed that the house be moved as far forward as the officer would allow, to give him the depth of rear garden that he was looking for. The officer subsequently agreed that he would accept reducing the amount of additional land to 3 metres. He accepted moving the house 1 metre forward and is now requiring an additional depth of rear garden of 2 metres; although this would still create an L shaped rear garden to my property. However, it was still my view that there was scope for moving the house further toward the pavement and at this stage an impasse was reached. Attached – **Productions No.7a,b,c,d,&e. copies of emails**.
7. In support of my contention in regard to moving the building further toward the pavement I enclose a number of views of properties in Old Dalnottar Road. These show a street view of Freelands Cottage with the adjacent large garage in closest proximity to the pavement; a few houses along, the parking bay in front of a house, showing its proximity to the pavement; a street view of the house subject Anbarda; street views looking east showing Anbarda and the adjacent building line of the Council housing at Napier Place; and a side view of Anbarda from Napier Place showing how far back Anbarda is from the pavement (actually 35 feet) – **Productions 8a,b,c,d, & e**.
8. I also submit a black and white aerial view of Old Dalnottar Road from Freelands Cottage to Anbarda – **Production No.9**. I have annotated in red the building line in

this view which I contend demonstrates the reasonableness of requesting that the proposed new house be built nearer to the pavement to allow for the required depth of rear garden; also a colour copy of the same aerial view – **Production No.10** – which I believe shows even more graphically the current building line of Anbarda as compared with Freelands Cottage.

9. I would now turn to the reasons why I decided on the division point of the current garden of Anbarda. I have lived next to this property for 58 years and have over many years taken on the responsibility of looking after the house and maintaining the gardens. In all that time the lower part of the rear garden has been unused and was divided off with a privet hedge by the father-in-law of the previous owner, who built Anbarda. This mature hedge runs in line with the front of my own home. My kitchen/diner window looks directly over this piece of land. I attach an aerial view showing the foregoing – **Production No.11** – I have tried over many years to buy this piece of land from the former owner but she would not agree. Gardening is one of my hobbies and I currently have what is a mature garden filled with rare species plants, trees and shrubs and areas to attract wild life. It has been my desire for some time to acquire this piece of land to make a wild flower meadow to complement my existing layout and to soften the outline of the adjacent block of flats.

10. The Planning Officer gives his reasons for refusal as: *it is*

- a. *'the erection of a large dwelling house with an unacceptably small private rear garden;'*

The rear garden as proposed is 27 x 45 feet. I currently oversee a scout hall in Old Kilpatrick which is 20 x 40 feet and regularly has 30 teenagers playing football/games; or, 60 adults seated at tables with room for dancing; or once a year for 75 Senior Citizens seated both sides of tables for a supper with room for entertainers and scouts. By no standard of any reasonable person could the garden be described as small. The current front garden area is even larger at 35 feet in depth by 45 feet in width. It is my contention that there is ample room to move the proposed house forward by more than the presently agreed 1 metre to accommodate the 6.56 feet (2 metres) that the officer is still seeking.

- b. *'with insufficient room to allow for future extension;'*

If the building line is moved forward then the officer's required rear garden area will be met and would then presumably be large enough to accommodate permitted development. However, as the officer has stated, it is already a large family dwelling house.

- c. *'with resultant overlooking of the neighbouring garden land to the rear.'*

The proposed house will have clear views down to, and across, the River Clyde to Erskine. The only neighbouring garden ground to the rear is the area that I propose keeping in my own ownership.

So far as rear garden areas being overlooked by neighbouring properties I append a picture of the view from my rear living room window – **Production 12** – and of the view from my rear kitchen/diner window – **Production 13**. Since these flats were built I have had to get used to the fact that occupiers of them have clear views into my home, even more so after dark.

- d. *'The proposal would therefore be overdevelopment and would detract from the amenities of both the new and the neighbouring properties.'*

I would contend that in an area of so much quite dense new development this would not be overdevelopment. It should be remembered that what was previously an Oil Farm opposite Anbarda was granted Planning Consent for the building of 800 new homes without any open use land, provision for children playing areas, or other amenities, and this was not considered overdevelopment. So far as detracting from both new and neighbouring properties is concerned I would contend that the replacement of a building that has been standing boarded-up, vandalised and graffiti'd for the past 15 years without intervention must be an improvement to the area and not a detraction.

As an Enforcement Officer in environmental matters during my working life I understand and take no issue with the Planning Officer's desire to enforce the West Dunbartonshire Local Plan Policies. The problem is that as there are no Adopted Standards in West Dunbartonshire the implementation of the Policies become subjective rather than objective.

It is somewhat galling that I was advised at the outset by someone experienced in such matters not to declare my intentions in regard to the rear garden land before applying for Planning Consent and to then sell the finished house and reduced plot to a willing buyer, but because of my background I was not comfortable with that deceit.

I hope that I have clearly set out my reasons for requesting this Review and I will be happy to answer/clarify any points that the Review Committee Members may have.

In conclusion I would ask Members to grant the application either as proposed or by moving the house further forward than the 1 metre currently agreed with the Planning Officer to provide up to the 2 metres of extra rear garden land that he is seeking.





## 6 Housing

Related Items to the whole of Chapter 6 Housing

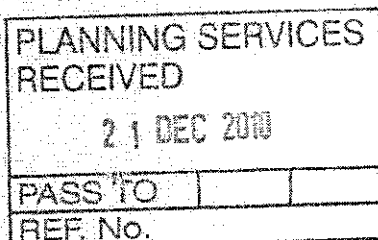
### 6.37 Policy H 4 – Housing Development Standards

Related Items to the whole of Section 6.37 Policy H 4 – Housing Development Standards

#### 6.37.1

New housing developments will be expected to be appropriate to the wider landscape and built character of the surrounding area, and to meet the following requirements:

- be of a high quality design in terms of scale, form, layout and materials, and meet high energy efficiency standards, privacy standards and the need for security;
- provide a range of house types and sizes wherever possible;
- provide open space in accordance with the standards specified in Policy R2;
- provide landscaping integral to the overall design; planting should emphasise native species and be completed timeously;
- incorporate existing features such as trees, hedgerows, shrubs and other natural and man-made features into layouts, and supplement them with new habitat proposals (see also Policies E3A and E5);
- meet road and parking standards as laid down by the Council, reflecting national guidelines where appropriate; consideration will be given to revising parking standards where housing developments are proposed to provide accommodation for people who tend to have low levels of car ownership, in areas well served by public transport and where the reduction of on-street parking can be ensured. Home Zones will be promoted, and new development should be linked into the local footpath and cycle network;
- allow for subsequent house extensions within 'permitted development' limits without adversely affecting the amenity of surrounding buildings;
- reflect a residential density which is appropriate to the surrounding area. Higher densities will be acceptable at locations accessible to transport interchanges and open space, and where townscape benefits can be demonstrated. Existing densities should not be exceeded where the residential amenity would be adversely affected;
- and employ inclusive design principles and address varying needs requirements



Related Items to Paragraph 6.37.1

### Reasoned Justification

#### 6.37.2

Policy H 4 provides developers with a clear indication of the standards that will be expected within proposed new residential developments. Design and density requirements are intended to ensure that new housing developments will provide a high quality living environment and enhance the quality of the existing area. The Clydebank Riverside and Dumbarton Harbour areas in particular will provide opportunities for higher density developments. Design statements are in place for these areas. The importance of design is reflected both in SPP 1, which indicates that a proposal may be refused solely on design grounds, and SPP 3. A number of recent

Planning Advice Notes (for example on Housing Quality, New Residential Streets, Designing Safer Places and Inclusive Design) provide further advice and information on good practice in terms of housing design. Options for micro-renewable technologies should be considered as part of a range of energy efficiency measures. Open space and car parking facilities are essential elements of acceptable housing layouts, and the Council will expect developers to conform to the standards laid down by Policy R2 and the Roads Development Guide respectively and in particular consider the development of Home Zones. Existing trees, hedges, shrubs and other natural and manmade features contribute to landscape quality and biodiversity, and should be retained and enhanced. In relation to access to new dwellings, developers will be strongly encouraged to provide homes which are accessible to all and will meet the needs of a growing elderly population - design and layout should comply with the Housing for Varying Needs guidance.

## 6.39 Policy H 5 – Development within Existing Residential Areas

Related Items to the whole of Section 6.39 Policy H 5 – Development within Existing Residential Areas

### 6.39.1

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

**PRODUCTION  
No 2**

Related Items to Paragraph 6.39.1

## Reasoned Justification

### 6.39.2

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.

Related Items to Paragraph 6.39.2

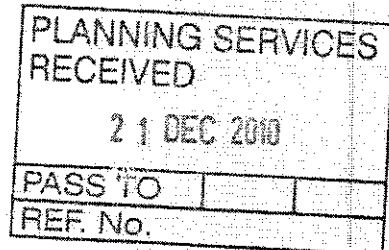
### **6.39.3**

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.

# PRODUCTION No 3

17<sup>th</sup> May 2010

B. Darroch Esq.  
Planning Assistant  
Planning Department  
West Dunbartonshire Council  
Garshake Road  
Dumbarton  
G82 3PU



Anbarda, Old Dalnottar Road, Old Kilpatrick, Glasgow, G60 5DX

Further to my conversation with you today I would confirm that I have bought the above property as derelict. It is a 1930's Bungalow which is next door to my own residential address. The house has been unoccupied for the past 15 years and has been the subject of numerous break-ins, and burst pipes during this past winter which resulted in some ceilings collapsing. The house sits on a large plot of land and I intend to retain ownership of half of the plot as additional garden land for my own property. I am considering several options for the existing property, as undernoted.

1. Refurbish the existing bungalow by extending the side gables upwards and creating a 1.5 Bungalow with rooms in the loft area, similar to my own property. I enclose simple drawings of the existing floor plan and also my thoughts on a proposal to create a 1.5 Bungalow; also photographs of the existing building.
2. I have received preliminary advice that it would be more advisable to demolish the existing building and build a new 1.5 Bungalow.
3. I will obviously talk to an architect/builder on the merits of building a Bungalow by traditional methods, but I am also looking at a German company called Hanse Haus who specialise in eco-friendly dwellings that are pre-manufactured in Germany and then erected on-site. The company has been in existence for 80 years and have built over 30,000 houses in Europe and their company base in the UK is in Dundee. I enclose a copy of the house that I have an interest in as it would occupy the same ground floor area as the existing Bungalow.

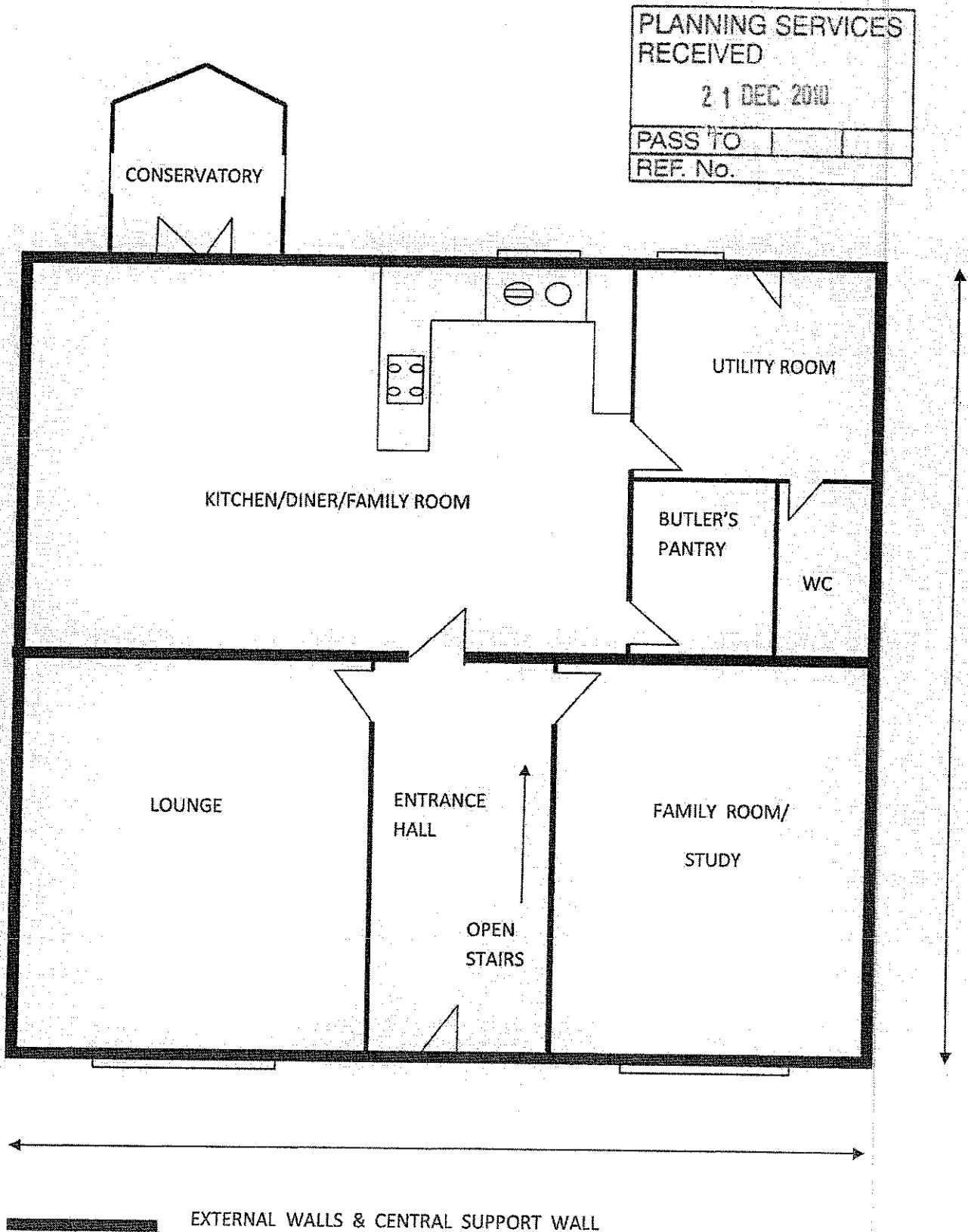
It would be my intention to put the property on the market once completed and to that end I am endeavouring to move forward at early date once I have been able to decide the best way forward. Obviously as I will not be occupying the house I am fairly flexible as to the design of the new property although I would not want it to be detrimental to my own property or to my neighbours in Napier Place.

I feel that an early site meeting would be helpful to guide me on the most appropriate way forward before I move along a route that would not prove acceptable to you and I would therefore be grateful if you would accede to this request and telephone me to arrange a mutually acceptable date.

Thanking you for your assistance in this matter.

J.O. Sayers.

LAYOUT & SIZES APPROXIMATE - NOT DRAWN TO SCALE



LAYOUT & SIZES APPROXIMATE - NOT DRAWN TO SCALE

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