

WEST DUNBARTONSHIRE COUNCIL

Report by the Director of Development and Environmental Services Planning Committee: 5 April 2006

Re-issued for Meeting of Planning Committee on 7 June 2006

Subject: Construction of house behind Torbeg Cottage, Glasgow Road, Hardgate, Clydebank.

1.0 Purpose:

- 1.1 To advise members of the nature of an ongoing complaint in relation to the construction of a new house behind Torbeg Cottage, Glasgow Road, Clydebank and to recommend that no further action is taken on this matter.

2.0 Background:

- 2.1 Planning permission was granted for the erection of a house and garage on a vacant plot of land behind Torbeg Cottage, Glasgow Road, Clydebank on 17 June 2003. Thereafter, construction commenced on site at the beginning of 2004.
- 2.2 Shortly after construction commenced on site, the first of many complaints regarding the construction of the new house was received. Every complaint that was received concerning the construction work, the size of the house, its style, and other matters on site was investigated and, when required, the appropriate action was taken by the Council to resolve the issue. However, two complainants were unhappy with the outcome of the investigations and the manner in which the Council dealt with the complaints. Consequently, a formal complaint was made to the Council and thereafter to the Local Government Ombudsman. The result of the ombudsman investigation was that the Council had acted appropriately at all times.
- 2.3 The construction of the new house has now been completed along with the garage and the remainder of the work on site.

3.0 Main Issues

- 3.1 The construction of the new house on site was granted planning permission subject to compliance with seventeen conditions (DC03/006 -17/06/2003). Condition 10 required the submission of details of fencing or walls to be erected on site for the consideration and approval of the Director of Development & Environmental services.

- 3.2 This condition was complied with and the applicant proposed to erect a 2 metre timber slat fence along the north boundary of the site and part of the western boundary. This proposal was considered acceptable and approved. Fencing has now been erected along the northern boundary of the site. The fencing has not been erected along the western boundary in accordance with the fencing details that were approved.
- 3.3 The complainant claims that, as a result of the absence of fencing along the western boundary, his privacy and that of the occupant of the new house is being affected. In order to address the issues raised by the complainant, the site has been visited on a number of occasions with inspections carried out on both sides of the boundary.
- 3.4 The boundary in question is currently delineated by the original dry stone wall. On one side is the gable elevation of the new house that only has a door on it and no windows. Facing the boundary on the complainant's side is a single storey extension that has one small window. This extension is constructed at a significantly lower level than the new house and there are no window to window overlooking issues or privacy problems.
- 3.5 The complainants garden is also suitably well screened from the new development as there is a summer house in the rear garden in close proximity to the boundary, along with a mixture of shrubs and planting that help to screen the new development. The complainant has been met on site and allowed to explain the exact nature of his complaint whilst demonstrating the problems being experienced. Although the complainant is adamant that the situation is unacceptable, the matter has been considered from a planning viewpoint and it is not considered that the present situation between the two properties is unacceptable.
- 3.6 Although the applicant has chosen not to erect fencing in accordance with the approved details, it is not considered that an unacceptable situation has arisen. The issues raised by the complainant have been considered and it is not necessary for further action to be taken regarding this matter since no unacceptable breach of planning control has occurred.

4. Personnel Issues

- 4.1 None

5 Financial Implications

- 5.1 None

6.0 Recommendation:

6.1 It is recommended that no further action is taken with regard to this complaint and that the investigation is closed.

**Dan Henderson
Director of Development and
Environmental Services**

Background Papers: 1. Planning Application File (DC03-006)

Wards Affected: 9

Person to contact: Jameson Bridgwater,
Section Head, Development Management, Development
& Environmental Services, Council Offices, Clydebank
G81 1TG.
01389 738656.