



West Lothian
Council

W.L.C.

25 OCT 2018

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :

P&ED Support Services
NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use **BLOCK CAPITALS** if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name	MRS VALERIE FISHER
		Address	[REDACTED]
		Postcode	EH25 6JA
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
		E-mail :	[REDACTED]
REPRESENTATIVE (if any)	Name	MICHAEL STUART	
	Address	[REDACTED]	
	Postcode	[REDACTED]	
	Telephone No. (1)	[REDACTED]	
	Telephone No. (2)		
	Fax :		
	E-mail :	[REDACTED]	
Please tick this box if you wish all contact to be through your representative. <input checked="" type="checkbox"/>			
Do you agree to correspondence regarding your review being sent by e-mail? <input checked="" type="radio"/> YES <input type="radio"/> NO			



PART B	APPLICANT REF. NO.	0710/H/18
	SITE ADDRESS	A1 PUMPHERSTON ROAD UPHALL STATION
	DESCRIPTION OF PROPOSED DEVELOPMENT	PROPOSED ERECTION OF DETACHED GARAGE WITH STORAGE
	DATE OF APPLICATION	24/7/18
	DATE OF DECISION NOTICE (IF ANY)	11/10/18

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
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)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

PART C	TYPE OF REVIEW CASE	
	Refusal of application by appointed officer	<input checked="" type="checkbox"/>
	Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
	Conditions imposed on consent by appointed officer	<input type="checkbox"/>

Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. 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.

State here the reasons for requiring the review and all the 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 of which ten copies must be provided.

APPLICATION FOR PLANNING PERMISSION WAS
PREVIOUSLY GRANTED 11/4/13 (0152/H/13)

WORKS WERE COMMENCED ON SITE AND NOTICE
OF COMMENCEMENT ISSUED BY CLIENT TO
PLANNING DEPARTMENT

WORKS SUSPENDED DUE TO FINANCE ISSUES
PLANNING EXPIRED AND CLIENT CHOSE TO
RE-APPLY FOR PLANNING PERMISSION TO ENSURE
PERMISSION WOULD BE IN PLACE USING EXACT SAME
DRAWINGS / DESIGN - PLANNING WAS REFUSED
11/10/18

PLANNING OFFICER ASKED THAT THE PROPOSALS
BE REDUCED - CLIENT WAS RELUCTANT TO DO
SO AS THESE WERE PREVIOUSLY APPROVED
AND SUIT THEIR REQUIREMENTS AND THAT WORKS
HAD COMMENCED ON SITE

PROPOSALS DO NOT HAVE GLASS WINDOWS SO THEREFORE
DO NOT OVERLOOK ADJOINING PROPERTIES

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

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. Ten (10) copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	REFUSAL OF PLANNING PERMISSION NOTICE 11.10.18
2.	APPROVAL OF PLANNING PERMISSION NOTICE 11/4/13
3.	PREVIOUS HANDLING REPORT FOR APPROVED PLANNING
4.	CURRENT HANDLING REPORT FOR REFUSED PLANNING
5.	DRAWINGS FS/13/573.1 .2 + .3
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

PART D

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 ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

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

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓
✓

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* YES/NO

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

* YES/NO

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

PART E CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form

✓

Statement of your reasons for requiring a review and matters to be raised

✓

Statement of your preferred procedure

✓

All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.

✓

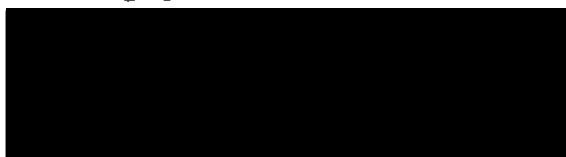
Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed



Date 22.10.18

* Delete as appropriate

Please return this completed form to :-

Val Johnston
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF



**West Lothian
Council**

**DECISION NOTICE
GRANT PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), grants planning permission for the development described below, and in the planning application and attached docketted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advice notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0152/H/13

PROPOSAL AND LOCATION: Erection of a double garage (grid ref. 308183 670284) at 41 Pumpherston Road, Uphall Station, EH54 5PL

APPLICANT: Mrs V T Fisher
41 PUMPHERSTON ROAD
Uphall Station
EH54 5PL

The above local application was determined by an officer appointed by the council in accordance with its scheme of delegation. Please see the guidance notes for further information, including how to request a review of any conditions.

Docketted plans, relative to this decision, are identified in Annex 1, Schedule of Plans. Where relevant, this includes the identification of varied plans.

Dated: 11/04/2013

**Chris Norman
Development Management Manager
West Lothian Council
County Buildings
High Street
Linlithgow
EH49 7EZ**

Signature

The reason(s) why the council made this decision is (are) as follows:

The proposed development is considered to be acceptable and is in accordance with the terms of the development plan.

This permission is granted subject to the following conditions:-

- 1 The double garage hereby approved shall be used solely for purposes incidental to the existing dwelling house and not for any commercial activity.

Reason To ensure the double garage is used for domestic purposes only, in the interests of residential amenity.

- 2 The upper storey of the double garage hereby approved shall be used solely as a storage area.

Reason To ensure the double garage is used for domestic purposes only, in the interests of residential amenity.

Note to Applicant

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration

Notification of the Start of Development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the planning permission which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of Completion of Development:

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

Advisory Note to applicant:

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mining are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 8848 or at www.groundstability.com.

Annex 1. Schedule of Plans

1 of 3: FS/13/573.3

2 of 3: FS/13/573.1

3 of 3: FS/13/573.2



**West Lothian
Council**

HANDLING REPORT

Ref. No.: 0152/H/13 **Email:** alison.maguire@westlothian.gov.uk
Case Officer: Alison Maguire **Tel No.:** 01506 282415
Ward: East Livingston and East Calder **Member:** Frank Anderson
 Carl John
 Dave King
 Frank Toner

Title Erection of a double garage (grid ref. 308183 670284) at 41 Pumpherston Road, Uphall Station, EH54 5PL
Application Type Local Application
Decision Level Del
Site Visit 28/03/2013
Recommendation grant permission
Decision GRANT PLANNING PERMISSION
Neighbour Notification Neighbour notification procedures have been carried out correctly - case officer verification ✓

Description of Property
Description of Proposals

Site History

Representations
Advertisement

Consultations

Two storey end-of-terrace house
 Erection of a double garage to the rear of the house with an upper storey for storage.
 0506/H/11 - Two storey extension, extension to house and installation of dormer windows, granted 31/10/2011
 None
 The application was advertised in the local press and the period for receipt of representations has expired.
 None

Policy

The proposed development complies with policy HOU 9 of the West Lothian Local Plan as it has a neutral impact on the residential and visual amenity of existing residents.

Conclusions and Reason for Decision

The proposed development is considered to be acceptable and is in accordance with the terms of the development plan.

Case Officer ACM
Senior Officer R.S.
Development Management Manager

Date 11/04/13
Date 15/6/13
Date



West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), refuses full planning permission for the development described below, and in the planning application and docquetted plan(s).

**Mrs Valerie Fisher, Coillemhov, Houston Mains Holdings, Uphall,
Livingston, Scotland, EH52 6PA**

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0710/H/18, for the reason(s) set out as follows:

- 1 The proposed development, by virtue of its scale and location within the plot, is inappropriate for an ancillary building and would give rise to a loss of amenity for the neighbouring property. The application is therefore contrary to policy DES1 (Design) in the adopted West Lothian Local Development Plan and the council's House Extension and Alteration Design Guide.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0710/H/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	FS/13/573.3
2	Sections	FS/13/573.1
3	Proposed Elevations	FS/13/573.2

HANDLING REPORT

Ref. No.:	0710/H/18	Email:	thomas.cochrane@westlothian.gov.uk
Case Officer:	Thomas Cochrane	Tel No.:	01506 281110
Ward:	East Livingston & East Calder	Member:	Damian Timson Frank Anderson Carl John Dave King

Title	Erection of detached garage with loft storage(Grid Ref: 306183,670285) at 41 Pumpherston Road, Uphall Station, Livingston, West Lothian, EH54 5PL
Application Type	Local Application
Decision Level	Delegated List
Site Visit	31.08.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	

Description of Proposals

Erection of detached garage with loft storage

Site History

LIVE/0168/P/12 Erection of a house. Refused 04/05/12

LIVE/0152/H/13 Erection of a double garage Granted 11/04/13

Representations

One objection - - Loss of daylight, - Overlooking and privacy - Out of keeping with the area

Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Enforcement Team	No	None	Noted

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be of high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none">a. There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;b. There is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;c. The proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;d. The proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;g. There are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; andh. Risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary</p>

	guidance.
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Policy Assessment

This application has been assessed against the above policy as well as the West Lothian Household Extension and design guide.

Officer Assessment

This application is for a detached garage with storage above to the rear of the current property. The garage would have a footprint of 8.5 metres by 6 metres and would be 9.6 metres in height. An internal stair would give access to a storage area lit by Velux windows. The applicant submitted an application for a detached house in the rear garden of the property in 2011; this application was contrary to policy and was withdrawn before it could be determined. In 2012 planning permission was refused for the erection of a house in the rear garden of the applicant's property. In 2013 the applicant applied for a garage, similar to that which is purposed with this application; that application was granted but has lapsed.

Other Considerations

Conclusions and Reasons for Decision

This application is for a detached garage with storage above to the rear of the current property. The garage would have a footprint of 8.5 metres by 6 metres and would be 9.6 metres in height. An internal stair would give access to a storage area lit by Velux windows. The applicant submitted an application for a detached house in the rear garden of the property in 2011; this application was contrary to policy and was withdrawn before it could be determined. In 2012 planning permission was refused for the erection of a house in the rear garden of the application property. In 2013 the applicant applied for a garage, similar to that within this application; that application was granted but has lapsed. The proposed construction would be out of context due to its size and its location midway down the rear garden.

Two of the grounds objection that of overlooking and privacy, and being out of keeping with the surrounding area were considered to be justified.

The agent was asked to reduce the size and reposition the proposed garage; but declined to do so. The proposed building would have a detrimental impact on residential and visual amenity and is considered to be out of context with the immediate surroundings, contrary to the requirements of Policy DES 1 of the West Lothian Local Development Plan, so is recommended for refusal.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	FS/13/573.3
2	Sections	FS/13/573.1
3	Proposed Elevations	FS/13/573.2

Other relevant documents:

West Lothian Local Development;

Case Officer Thomas Cochrane

Date 01/10/18