



## ***Local Review Body***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

1 November 2017

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 8 November 2017** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 13 September 2017 (herewith)

#### **Public Items for Decision**

5. Notice of Review Application No.0150/FUL/17 - Demolition of existing house and erection of a replacement house and garage at 4 Letham Holdings, Pumpherston Road, Mid Calder (herewith)
6. Notice of Review Application No.0398/H/17 - Erection of carport (in retrospect) at 128 Charles Crescent, Bathgate (herewith)

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**NOTE For further information please contact Val Johnston, Tel No.01506**

DATA LABEL: Public

**281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 SEPTEMBER 2017.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Stuart Borrowman, Charles Kennedy and David Tait

Apologies – Councillors Pauline Clark and Tom Kerr

Absent – Councillors William Boyle and Dom McGuire

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 16 August 2017. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0315/H/17 - VARIATION TO PLANNING APPLICATION 0446/H/16 TO INCREASE HOUSE EXTENSION BY 1 METRE IN LENGTH AT 21 PARKHEAD CRESCENT, WEST CALDER

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review for the refusal of planning permission in principle for a variation to planning application 0446/H/16 to increase house extension by 1 meter in length at 21 Parkhead Crescent West Calder.

Attached to the report were the Notice of Review submitted by the applicant dated 28 July 2017 and other relevant documents. No representations had been received in relation to the planning application.

The report recalled that the review application was first considered by the Local Review Body at its meeting on 16 August 2017, which included conducting a site visit on the same day. However, the item was continued as members were not clear from the content of the Handling Report if the application did or did not confirm to HOU9 of the West Lothian Local Plan and the council's House Extension and Alternation Design Guide 2015. Clarity was sought from the council's Appointed Person on the matter. A copy of the Procedure Note requesting this information was attached to the committee papers.

A revised Handling Report was received from the Appointed Person, a copy of which was attached to the report and a copy sent to the applicant's agent for comment. No further comments were received within the stipulated 14 day period.

The committee considered that the information submitted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise. The Local Review Body also took into account the view expressed in the Notice of Review documents and the revised Handling Report by the Appointed Person.

Councillor Paul moved a position which did not receive a seconder therefore his position was noted.

#### Motion

To grant the application on the grounds that the variation was minor and there were no material reasons to indicate that the application should not be granted.

Moved by Councillor Borrowman, seconded by Councillor Fitzpatrick.

#### Decision

To grant planning permission unconditionally.



**LOCAL REVIEW BODY****APPLICATION NO. 0150/FUL/17 – DEMOLITION OF EXISTING HOUSE AND ERECTION  
OF A REPLACEMENT HOUSE AND GARAGE AT 4 LETHAM HOLDINGS,  
PUMPHERSTON ROAD, MID CALDER****REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY****A PURPOSE OF REPORT**

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the demolition of a house and erection of a replacement house and garage at 4 Letham Holdings, Pumpherston Road, Mid Calder.

**B REVIEW DOCUMENTS**

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Decision Notice, dated 19 July 2017;
2. The Handling Report;
3. The Notice of Review, submitted by the applicant, dated 5 October 2017, including colour photographs and a supporting statement.

In addition to the above mentioned documents and to further assist the review a location plan and colour photograph of the existing dwelling from the online case file are included.

No representations have been received in relation to the application.

The applicant's agent has stated in the review application that they consider that the Local Review Body could decide the review case by a combination of written submissions and a site visit.

Following receipt of the Notice of Review application consultation was undertaken with the Chair regarding the need for a site visit. It was deemed necessary to conduct a site visit the morning before committee.

**C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission was refused by the Appointed Person as they considered that the proposal did not comply with HOU7, IMP15 and IMP14 of the West Lothian Local Plan in terms of design and layout including the massing and form of the roof.

**D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, [Wendy.Richarson@westlothian.gov.uk](mailto:Wendy.Richarson@westlothian.gov.uk)

Date: 8 November 2017

## 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.

<b>PART A</b>  	<b>APPLICANT'S DETAILS</b>	Name <u>MR. MRS P BRYDON</u> Address <u>4 LETHAM HOLDINGS</u> <u>RIMMERSTONE RD. MIDCALTER</u> Postcode <u>EH53 0HP</u> Telephone No. (1) <u>[REDACTED]</u> Telephone No. (2) <u>[REDACTED]</u> Fax : <u>[REDACTED]</u> E-mail : <u>[REDACTED]</u>
	<b>REPRESENTATIVE</b> (If any)	Name <u>DAVID ARMISTEAD</u> Address <u>DAN WOOD CONCEPT PLS LTD</u> <u>1 WILDERHAUGH, CALASHIELDS</u> Postcode <u>TD1 1QJ</u> Telephone No. (1) <u>01896 752271</u> Telephone No. (2) <u>07771 617 748</u> Fax : <u>[REDACTED]</u> E-mail : <u>[REDACTED]</u>
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? \*  
YES/NO

**PART B**

APPLICANT REF. NO. LNE / OISO / FUL / 17

SITE ADDRESS 4 LETHAM HOLDINGS  
PUMPHRESTON RD MIDCALDER  
EH53 0HP

DESCRIPTION OF PROPOSED DEVELOPMENT DEMOLITION OF EXISTING DWELLING AND  
ERECTOR OF REPLACEMENT DWELLING  
AND GARAGE

DATE OF APPLICATION 15.02.2017

DATE OF DECISION NOTICE (IF ANY) 19.07.2017

**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 ☒

Failure by appointed officer to determine the application within the period allowed ☒

Conditions imposed on consent by appointed officer ☐

### 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.

#### 1. TIMESCALE FOR DECISION

DATE OF APPLICATION 15.02.2017

DECISION NOTICE 19.07.2017

NOTIFICATION DATE 18.08.2017

#### 2. DECISION NOTICE MAKES REFERENCE TO APPLICATION C209/RX/K

THIS IS NOT OUR APPLICATION

(1)

#### 3. ADVISORY NOTES REQUEST 'LIAISON WITH LOCAL AUTHORITY'

A 'PHASE 1' ENVIRONMENTAL REPORT WAS SUBMITTED

#### 4. THE PRINCIPLE REASONING BEHIND THE REFUSAL IS

AS THE BASIS OF DECISION AND PERSONAL OPINION.

SIMILAR DECISIONS HAVE BEEN PERMITTED WITHIN OTHER

LOCAL AUTHORITIES IN SIMILAR SEMI RURAL LOCATIONS

SUPPORTIVE PHOTOGRAPH AND THE REASONING BEHIND THE

DECISION WERE SUBMITTED

#### 5. SIMILAR DECISIONS HAVE BEEN PERMITTED LOCALLY

WITHIN WEST LOTHIAN

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.

	Item 5. THE INFORMATION WAS NOT KNOWN AT
	THE TIME OF APPLICATION

#### 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.	NOTIFICATION LETTER
2.	INCOMPLETE DETAIL ON DESIGN NOTICE
3.	EMAIL TRAIL ON PROCESS OF APPLICATION
4.	CONFIRMATION OF RECEIPT OF 'PLUCKI' REPORT
5.	EMAIL DISCUSSING ON DESIGN ISSUES AND SUPPORTIVE PHOTO
6.	PHOTOGRAPH OF LOCAL DEVELOPMENT.
7.	
8.	
9.	
10.	
11.	
12.	

## 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.

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### 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.

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**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 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.

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

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed



*D. BARKER*

Date

05/10/2017

\* 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**

**Development Management**  
West Lothian Civic Centre  
Howden South Road  
Howden  
Livingston  
EH54 6FF

Our Ref: LIVE/0150/FUL/1  
Direct Dial No:  
Email: [arabella.leslie@westlothian.gov.uk](mailto:arabella.leslie@westlothian.gov.uk)

Tel: 01506 280000

**18 August 2017**

**FAO Addressee Only**

Tomasz Ryniecki  
Dan-Wood Concept Plus Ltd  
1 Wilderhaugh  
Galashiels  
TD1 1QJ

Dear Sir/Madam

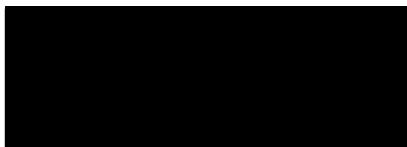
**Demolition of existing house and erection of a replacement house and garage (grid ref: 307140, 668429) (Grid Ref: ,) at 4 Letham Holdings, Pumpherston Road, Mid Calder, EH53 0HP**

Following your application to West Lothian Council, I can confirm that the council has refused planning permission. A copy of the decision notice and docketed drawings can be obtained online at <https://planning.westlothian.gov.uk/online-applications/> using the above reference number.

The decision notice is an important legal document and should be retained for future reference. If you wish to challenge the council's decision, you should do so within three months of the date of the decision notice. Details on how to do this are contained within the advisory notes at the end of the decision notice.

If you wish to discuss the terms of the council's decision, please contact the case officer at the above address.

Yours sincerely



**Craig McCorrison**  
**Head of Planning, Economic Development and Regeneration**



West Lothian  
Council

## DECISION NOTICE REFUSAL OF 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), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

**APPLICATION REFERENCE** LIVE/0150/FUL/17

**PROPOSAL** Demolition of existing house and erection of a replacement house and garage (grid ref: 307140, 668429) (GRID REF: , )

**LOCATION** 4 Letham Holdings, Pumpherston Road, Mid Calder, EH53 0HP

**APPLICANT** Mr Paul And Gillian Brydon, 4 Letham Holdings, Pumpherston Road, Mid Calder, West Lothian, EH53 0HP

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

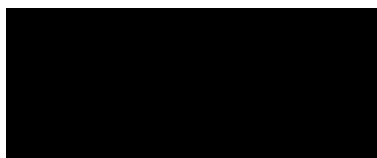
Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:** 19.07.2017

**Craig McCorrlston**  
Head of Planning, Economic Development and Regeneration

West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

**Signature:**



DATA LABEL: PUBLIC

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0209/FUL/16, for the reason(s) set out as follows:**

- 1 Any proposed development will require developers to incorporate the highest quality of design and layout within new housing developments (policy HOU7 in the West Lothian Local Plan). Developers shall have a regard for the proposed layout, housing designs and use of materials and should conform to the guidance provided in the residential Development Guide (WLC). Due to the overall design and layout of the proposed house it does not comply with the requirements of Policy HOU 7 of the West Lothian Local Plan.
- 2 The design of the proposal is not acceptable due to the massing of the roof and the overhang created. For this reason it would be contrary to Policy IMP15 of the West Lothian Local Plan (design of new development).
- 3 The council's supplementary planning guidance (SPG) 'Single plot and small scale infill residential development in urban areas (how to avoid town cramming) makes reference to the importance of form and materials of new properties. The overall massing and form of the roof for the proposed property does not reflect the overall character of the surrounding developments. For this reason the proposal is contrary to Policy IMP 14 (SPG) of the West Lothian Local Plan and the supplementary planning guidance.

### **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](http://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 - LIVE/0150/FUL/17**

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	SP01
2	General	PROPOSED FLOOR PLAN PP01
3	Elevations	PP02
4	General	PROPOSED SECTIONS PP03
5	Elevations	PP04

## Dave Armstrong

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**From:** Dave Armstrong [REDACTED]  
**Sent:** 18 July 2017 15:26  
**To:** 'Stewart-Leslie, Arabella'  
**Cc:** 'Paul Brydon'  
**Subject:** RE: 0150/FUL/17 4 LETHAM HOLDINGS - [OFFICIAL]

Dear Arabella,

Rather disappointed and concerned that there has been no further communication or update on this project, we are considerable beyond the timings for a decision.  
 Can you give me an update as soon as possible

Regards  
 Dave

Dave Armstrong  
 Sales Agent for Scotland  
 [REDACTED]

E-mail: [REDACTED]  
 [REDACTED]



Completely at home

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 Danwood (UK Branch) Plc  
 1 Wilderhaugh, Galashiels, TD1 1QJ  
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**From:** Stewart-Leslie, Arabella [<mailto:Arabella.Leslie@westlothian.gov.uk>]  
**Sent:** 03 July 2017 17:52  
**To:** Dave Armstrong  
**Subject:** RE: 0150/FUL/17 4 LETHAM HOLDINGS - [OFFICIAL]

**DATA LABEL: OFFICIAL**

Dear Dave,

The application has been put forward for refusal. Due to a major upgrade in our office systems we are unable to issue decision notices until after the 13<sup>th</sup> on this month. A decision will be issued after this date.

Kind regards  
 Arabella

*Arabella Stewart-Leslie*  
 Planning Assistant  
 Development Management  
 West Lothian Civic Centre  
 Howden South Road  
 Livingston, EH54 6FF  
[www.westlothian.gov.uk](http://www.westlothian.gov.uk)

*Development Management and Building Standards are about to install new software for dealing with planning applications. Because of this we will have limited ability to process applications which are submitted between 28 June and 13 July. We will strive to minimise any disruption to our service during this time but some applications will inevitably be delayed.*

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**From:** Dave Armstrong [REDACTED]  
**Sent:** 28 June 2017 12:46  
**To:** Stewart-Leslie, Arabella  
**Cc:** 'Paul Brydon'  
**Subject:** RE: 0150/FUL/17 4 LETHAM HOLDINGS - [OFFICIAL]

Dear Arabella,

Can you please give me an update on the status of this Application, last correspondence was 1<sup>st</sup> June where it was going forward to the delegated listing.

Regards

Dave

Dave Armstrong  
Sales Agent for Scotland  
Tel. 01896 752 271  
[REDACTED]  
[REDACTED]



Completely at home

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Danwood (UK Branch) Plc  
1 Wilderhaugh, Galashiels, TD1 1QJ

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#### **West Lothian Council - Data Labels:**

**OFFICIAL - Sensitive:** Contains Personal or Business Sensitive Information for authorised personnel only

**OFFICIAL:** Contains information for council staff only

**PUBLIC:** All Information has been approved for public disclosure

**NON-COUNCIL BUSINESS:** Contains no business related or sensitive information

Link to Information Handling Procedure: <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/Infohandling1.pdf>

🔄 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

This message, together with any attachments, is sent subject to the following statements:

1. It is sent in confidence for the addressee only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this

- confidentiality and to advise the sender immediately.
2. It does not constitute a representation which is legally binding on the Council or which is capable of constituting a contract and may not be founded upon in any proceedings following hereon unless specifically indicated otherwise.

<http://www.westlothian.gov.uk>



**Dave Armstrong**

**From:** Dave Armstrong [REDACTED]  
**Sent:** 26 May 2017 11:44  
**To:** 'Stewart-Leslie, Arabella'  
**Cc:** 'Paul Brydon'  
**Subject:** RE: 0150/FUL/17 4 LETHAM HOLDINGS - [OFFICIAL]

Afternoon Arabella,

I have revisited the design with our clients and are of the opinion that the design as proposed satisfies a great many of my clients design requirements and that a significant modification to the roof is not an option. The elevation which is referenced is the elevation facing the parkland to the rear. What is visible is the adjacent garage premises. I have include below a photograph from the parkland/ playing fields and as you can see there is no visual impact. The extended eaves detail is specifically to provide covered access and protection to all access and egress points from the dwelling, this was a conscious decision.

Given that the location and overall massing of the building has been accepted we do not feel that we can offer any alternative other than to proceed on the basis of the designs submitted.

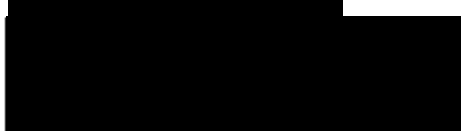
Regards  
Dave







Dave Armstrong  
Sales Agent for Scotland



Completely at home

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Danwood (UK Branch) Plc  
1 Wilderhaugh, Galashiels, TD1 1QJ  
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**From:** Stewart-Leslie, Arabella [mailto:Arabella.Leslie@westlothian.gov.uk]  
**Sent:** 26 May 2017 10:07  
**To:** Dave Armstrong  
**Subject:** RE: 0150/FUL/17 4 LETHAM HOLDINGS - [OFFICIAL]

**DATA LABEL: OFFICIAL**

Hi Dave,

I was just wondering if there was any update on this?

Kind regards  
Arabella

**Arabella Stewart-Leslie**  
Planning Assistant  
Development Management  
West Lothian Civic Centre  
Howden South Road  
Livingston, EH54 6FF  
[www.westlothian.gov.uk](http://www.westlothian.gov.uk)

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**From:** Dave Armstrong [REDACTED]  
**Sent:** 05 May 2017 14:25  
**To:** Stewart-Leslie, Arabella  
**Cc:** 'Paul Brydon'  
**Subject:** 0150/FUL/17 4 LETHAM HOLDINGS

Dear Arabella,

Firstly my apologies for the delay in responding to your email..

I am glad that you find the principle of the development acceptable.

I am however unsure as to the reasoning and question relating to the massing and design. We spend a considerable time with Mr and Mrs Brydon agreeing on designs and visited many properties, the style of this house they found highly desirable and the weather protection offered by the covered areas and shading to windows was thought to be beneficial, I feel that some of the issue may be down to interpretation as to how the building is represented in terms of the true elevational perspective rather than the 2D aspect of the planning drawing.

There is no building or design style within the immediate vicinity which would suggest that this solution would be considered unacceptable.

As a reference I attach some photographs of a very similar property which I am sure give a better understanding of the massing and relationships of the design.

A recent application has been approved along very similar lines on the outskirts of Edinburgh and within the Planning Report specific mention was made of the positive design approach and overall aesthetic.

I would appreciate your further review of this information and your earlier communication.

We will await your reply, the outstanding Phase 1 Environmental Report will be issued hopefully next week.

Regards

Dave Armstrong

Dave Armstrong  
Sales Agent for Scotland  
[REDACTED]  
[REDACTED]  
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Danwood (UK Branch) Plc  
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## DECISION NOTICE REFUSAL OF PLANNING PERMISSION

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

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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).

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**APPLICATION REFERENCE** LIVE/0150/FUL/17

**PROPOSAL** Demolition of existing house and erection of a replacement house and garage (grid ref: 307140, 668429) (GRID REF: , )

**LOCATION** 4 Letham Holdings, Pumpherston Road, Mid Calder, EH53 0HP

**APPLICANT** Mr Paul And Gillian Brydon, 4 Letham Holdings, Pumpherston Road, Mid Calder, West Lothian, EH53 0HP

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

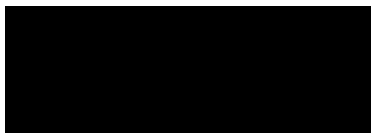
Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:** 19.07.2017

**Craig McCorriston**  
**Head of Planning, Economic Development and Regeneration**

**West Lothian Council**  
**West Lothian Civic Centre**  
**Howden South Road**  
**Livingston**  
**EH54 6FF**

**Signature:**



DATA LABEL: PUBLIC



**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0209/FUL/16, for the reason(s) set out as follows:**

- 1 Any proposed development will require developers to incorporate the highest quality of design and layout within new housing developments (policy HOU7 in the West Lothian Local Plan). Developers shall have a regard for the proposed layout, housing designs and use of materials and should conform to the guidance provided in the residential Development Guide (WLC). Due to the overall design and layout of the proposed house it does not comply with the requirements of Policy HOU 7 of the West Lothian Local Plan.
- 2 The design of the proposal is not acceptable due to the massing of the roof and the overhang created. For this reason it would be contrary to Policy IMP15 of the West Lothian Local Plan (design of new development).
- 3 The council's supplementary planning guidance (SPG) 'Single plot and small scale infill residential development in urban areas (how to avoid town cramming)' makes reference to the importance of form and materials of new properties. The overall massing and form of the roof for the proposed property does not reflect the overall character of the surrounding developments. For this reason the proposal is contrary to Policy IMP 14 (SPG) of the West Lothian Local Plan and the supplementary planning guidance.

**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](http://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 - LIVE/0150/FUL/17**

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	SP01
2	General	PROPOSED FLOOR PLAN PP01
3	Elevations	PP02
4	General	PROPOSED SECTIONS PP03
5	Elevations	PP04







West Lothian  
Council

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## HANDLING REPORT

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<b>Ref. No.:</b>	0150/FUL/17	<b>Email:</b>	arabella.leslie@westlothian.gov.uk
<b>Case Officer:</b>	Arabella Stewart-Leslie	<b>Tel No.:</b>	01506 283445
<b>Ward:</b>	East Livingston and East Calder	<b>Member:</b>	Frank Anderson Carl John Dave King Damian Timson

<b>Title</b>	Demolition of existing house and erection of a replacement house and garage (grid ref: 307140, 668429) at 4 LETHAM HOLDINGS, PUMPHERSTON ROAD, MID CALDER, EH53 0HP
<b>Application Type</b>	Local Application
<b>Decision Level</b>	LIST 02/06/2017
<b>Site Visit</b>	<a href="#">13/03/2017</a>
<b>Recommendation</b>	refuse permission
<b>Decision</b>	REFUSAL OF FULL PLANNING PERMISSION
<b>Neighbour Notification</b>	Neighbour notification procedures have been carried out correctly - case officer verification ASL

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## Description of Proposals

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Demolition of existing house and erection of a replacement house and garage

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## Site History

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Previous application for a change of use from a joinery workshop (Class 5) to a car repairs and MOT testing facility due to there being no original consent in planning records for the Class 5 use.

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## Representations

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The application was advertised in the local press and the period for receipt of representations has expired. No representations were received.

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## Consultations

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

Consultee	Objection?	Comments	Planning Response
West Lothian Council - Education Planning	None.	As it is a replacement dwelling there is no requirement for Education Contributions.	None.
Contaminated Land Officer	None.	Request for further information and Phase 1 Site Investigation report.	The report is satisfactory.
Flood Prevention	Yes.	Drainage options are not acceptable.  We will require to receive the ground conditions report and SEPA confirmation before we can accept these proposals and issue a consent.	The matter over drainage was not raised at the time due to the application being put forward for refusal on design grounds.  Future application/approval to need to address these matters.
Transportation	None.	A permit will be required for any verge works on the public road.	None
Scottish Water	None.	None.	None.

## Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>IMP15 - Design Considerations</p> <p>The council will:</p> <p>a) through the development control process, ensure that high standards of design are achieved;</p> <p>b) identify design requirements in planning briefs, outline planning permissions and through the preparation of supplementary planning guidance; and</p> <p>c) where appropriate, require developers to produce masterplans, design statements and design guides.</p> <p>Development proposals which are poorly designed will not be supported.</p>	<p>The scale/foot print of the proposal is acceptable as a replacement dwelling however the overall massing of the roof in comparison to the proposed form of the property is excessive.</p> <p>The massing of the roof appears as a dominating aspect of the overall design. The lower form of the house being 3.1 metres in height but the overall height being 8.1 metres (5 metres of the roof design) results in the design looking top heavy with unacceptable appearance.</p> <p>Created by the roof is an overhang around the property which is unnecessary and contributes to the excessive</p>	

		<p>design.</p> <p>The step roof design has been added to allow for second floor accommodation whilst maintaining the appearance of a single storey dwelling however due to the massing of the roof this has not been achieved.</p>	
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>Due to its location the detached property does not have any immediate neighbours. However the proposal does not integrate well with the limited number of properties surrounding the site.</p> <p>The surrounding properties are either single storey cottages or 1.5 storey properties with design features such as dormers.</p> <p>The proposal will have a detrimental impact on visual amenity due to its design which will be largely visible from the street.</p>	

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## Assessment

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The demolition of the existing property and the proposed scale/foot print of the proposed new build is acceptable however the overall design shows a heavy roof design which overdominates the lower floor of the property. As the site is located within the country side belt a proposal should be a contribution to the appearance of the area in line with Policy ENV31 of the West Lothian Local Plan however does not comply. In addition to design of the proposal is not acceptable due to the massing of the roof and the overhang created. For this reason it will be visual detrimental and contrary to Policy HOU 9 and IMP15.

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## Conclusions and Reason for Decision

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See assessment above.

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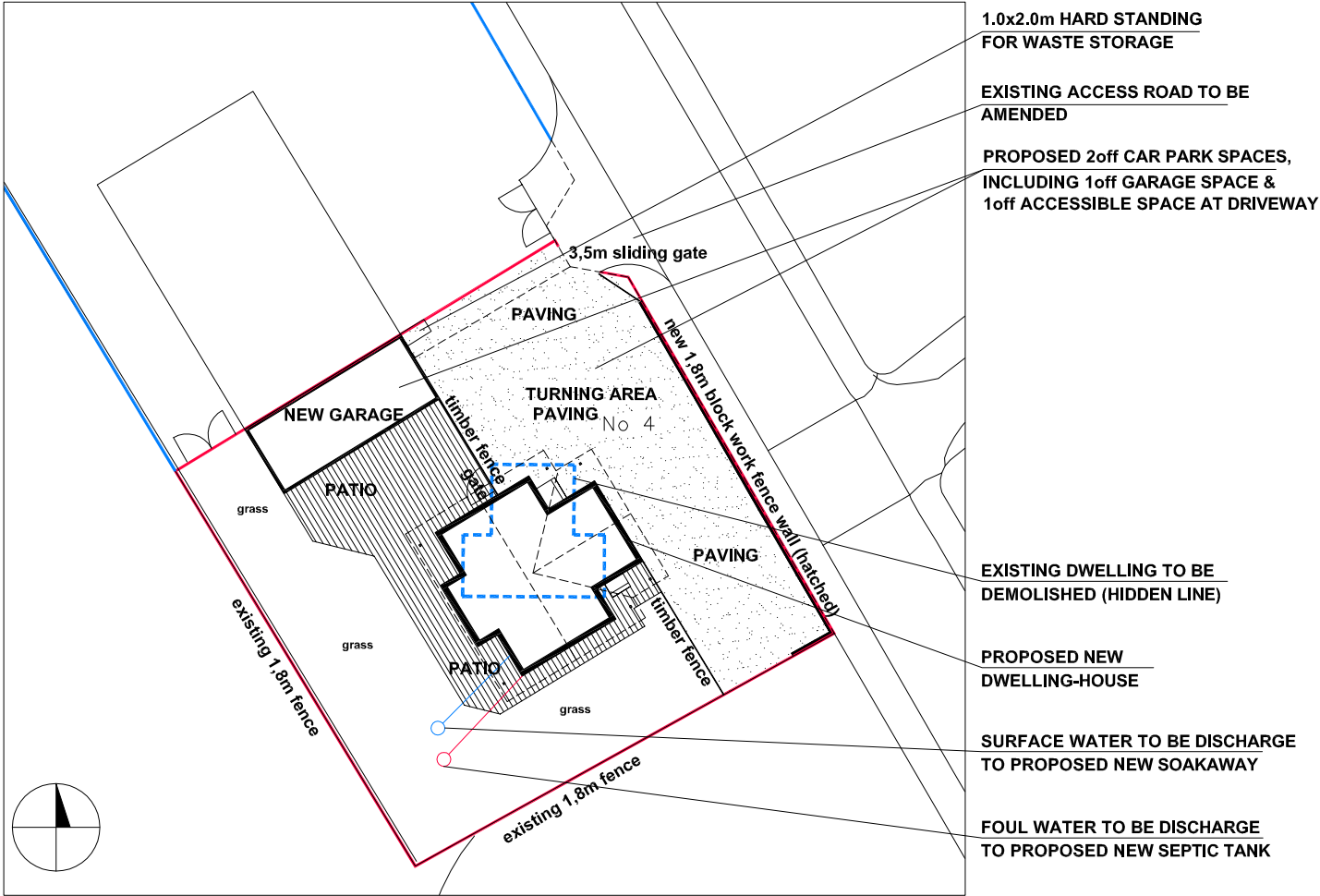
## List of Review Documents

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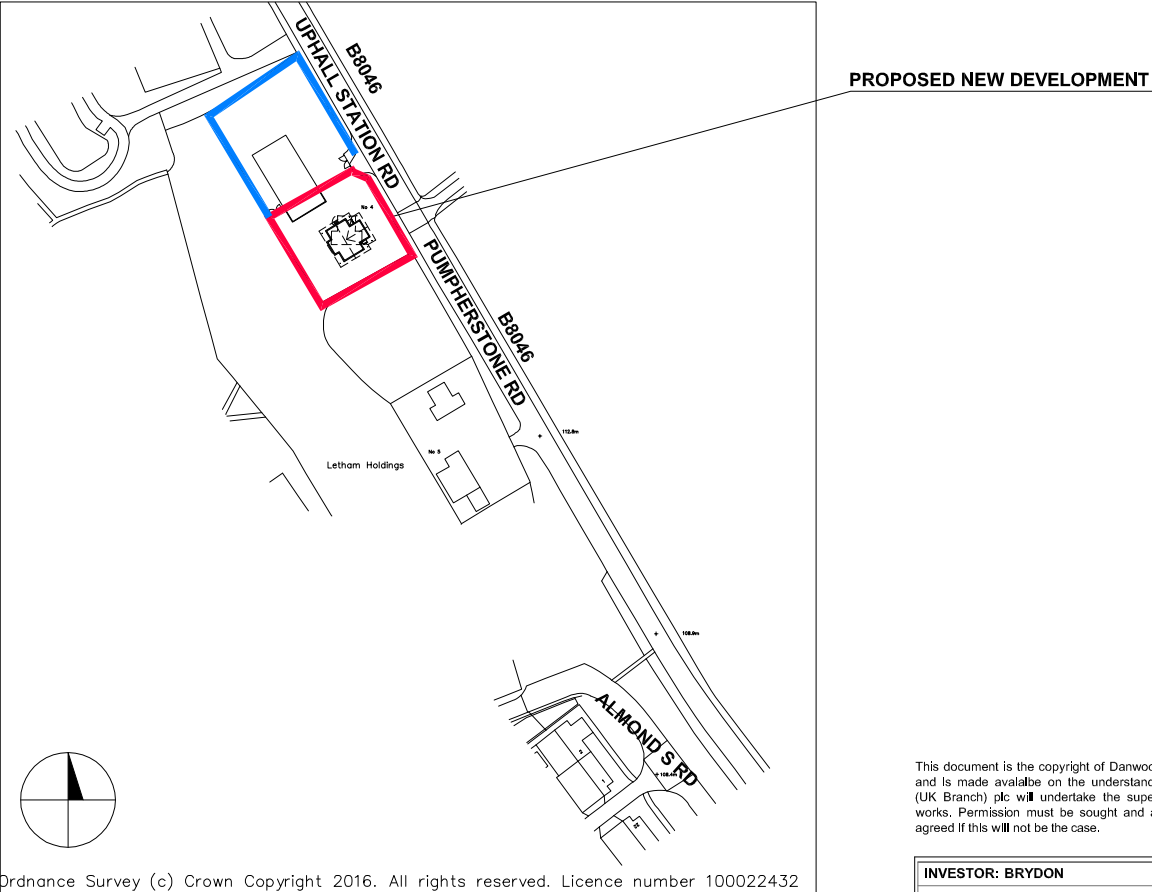
Refused drawings schedule:

## **Annex 1, Schedule of Plans - 0150/FUL/17**

<b>Docquetted Number</b>	<b>Drawing Description</b>	<b>Drawing Number</b>
1 of 5	Location Plan	ARCH/SP01/2016
2 of 5	Proposed Floor Plans	ARCH/PP01/2016
3 of 5	Proposed Elevations	ARCH/PP02/2016
4 of 5	Proposed Sections	ARCH/PP03/2016
5 of 5	Proposed Garage	ARCH/PP04/2016



SITE PLAN 1:500



LOCATION PLAN 1:2500

This document is the copyright of Danwood (UK Branch) plc and is made available on the understanding that Danwood (UK Branch) plc will undertake the superstructure building works. Permission must be sought and an appropriate fee agreed if this will not be the case.

INVESTOR: BRYDON			
HOME: INDIVIDUAL			
SCALE: 1:500/1:2500 VER: 2			
DATE 1	28.07.2016	DATE 3	-
DATE 2	01.02.2017	DATE 4	-
DRAWING: SITE & LOCATION PLAN			
ARCH: GB	ARCH: PL		

DAN-WOOD  
HOUSE

DRAWING NO: ARCH/ SP01 /2016

VALID FROM 20.05.2015



**Mr P Brydon,  
4 Lertham Holdings  
Pumpherstons Road  
MidCalder**

**EXISTING DWELLING.**









West Lothian  
Council

**Development Management**

West Lothian Civic Centre  
Howden South Road  
Howden  
Livingston  
EH54 6FF

Our Ref: LIVE/0150/FUL/17

Direct Dial No:

Email: [arabella.leslie@westlothian.gov.uk](mailto:arabella.leslie@westlothian.gov.uk)

9 October 2017

Tel: 01506 280000

## Draft conditions

**This permission is granted subject to the following conditions:-**

- 1 The roof of the house hereby approved shall be redesigned, such that the overhang at the eaves shall be reduced to no more than 600mm.

Reason: In the interest of visual amenity.



**LOCAL REVIEW BODY****APPLICATION NO. 0398/H/17 – ERECTION OF CARPORT (IN RETROSPECT) AT 128  
CHARLES CRESCENT, BATHGATE****REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY****A PURPOSE OF REPORT**

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the erection of a carport (in retrospect) at 128 Charles Crescent, Bathgate

**B REVIEW DOCUMENTS**

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Decision Notice, dated 2 August 2017;
2. The Handling Report;
3. The Notice of Review, submitted by the applicant, dated 15 September 2017.

One representation was received in relation to the planning application.

The representation was received from Mr and Mrs Findlay of 126 Charles Crescent, Bathgate and they were contacted to advise that the Notice of Review had been received and that they had fourteen days in which to submit any further representations. Further comments plus colour photographs were received from Mr and Mrs Findlay which were forwarded to the applicant for comment. The applicant chose not to comment on these further representations from Mr and Mrs Findlay. All documentation referred to is attached to the report.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by written submission only.

Following receipt of the Notice of Review application consultation was undertaken with the Chair regarding the need for a site visit. It was deemed necessary to conduct a site visit the morning before committee.

**C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission was refused by the Appointed Person as they considered that the proposal, by virtue of its scale and design would be visually detrimental to the residential and visual amenity and therefore was contrary to HOU9 of the West

Lothian Local Plan.

**D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, [Wendy.Richarson@westlothian.gov.uk](mailto:Wendy.Richarson@westlothian.gov.uk)

Date: 8 November 2017



18 SEP 2017

Reference No :  
Date of Receipt :

**(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.**

<b>PART A</b>	<b>APPLICANT'S DETAILS</b>	Name	<u>TOMASZ LECH</u>
		Address	<u>128 CHARLES CRESCENT</u> <u>BATHGATE</u>
		Postcode	<u>EH48 1JJ</u>
		Telephone No. (1)	<u>[REDACTED]</u>
		Telephone No. (2)	<u></u>
		Fax :	<u></u>
	E-mail :	<u>[REDACTED]</u>	
<hr/>			
	<b>REPRESENTATIVE (if any)</b>	Name	<u></u>
		Address	<u></u> <u></u>
		Postcode	<u></u>
		Telephone No. (1)	<u></u>
		Telephone No. (2)	<u></u>
		Fax :	<u></u>
		E-mail :	<u></u>
<hr/>			
Please tick this box if you wish all contact to be through your representative.			



Do you agree to correspondence regarding your review being sent by e-mail? \*

**YES** ~~NO~~

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	0398/H/17
	<b>SITE ADDRESS</b>	128 CHARLES CRESCENT BATHGATE EH48 1JJ
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	ERECTION OF A CAR PORT TO REAR OF GARDEN
	<b>DATE OF APPLICATION</b>	FEBRUARY JUNE 2017
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	21/03/2017

**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"/>

<b>PART C</b>	<b>TYPE OF REVIEW CASE</b>	
	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.

I STOPPED THE DEVELOPMENT OF THE CAR PORT UNTIL APPLICATION IS GRANTED. I JUST MADE IT VAPERTIGHT. I AGREE THAT AT THE MOMENT IT IS NOT VERY PLEASANTLY LOOKING, BUT THE FINISHED CAR PORT WILL BE RENDERED AND NICELY FINISHED. IF THE APPLICATION IS STILL NOT GRANTED, THEN I WILL MAKE THE CAR PORT SMALLER TO FIT WITHIN ALL CRITERIA NOT REQUIRING PLANNING PERMISSION.

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.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	





## 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

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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.

THE CAR PORT DEVELOPMENT WILL BE WITHIN  
1 M FROM THE BOUNDARY

## 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 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.

✓

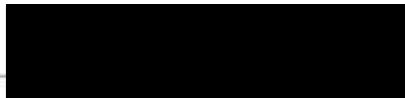
### \*\*\*DECLARATION\*\*\*

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.

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

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed



Date

15.09.2017

\* 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



## DECISION NOTICE REFUSAL OF 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), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

---

**APPLICATION REFERENCE** LIVE/0398/H/17

**PROPOSAL** Erection of car port (in retrospect)

**LOCATION** 128 Charles Crescent, Bathgate, EH48 1JJ

**APPLICANT** Mr Thomsz Lech, 128 Charles Crescent, Bathgate, EH48 1JJ

---

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

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:** 02.08.2017

**Craig McCorriston**  
**Head of Planning, Economic Development and Regeneration**

West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

**Signature:**



DATA LABEL: PUBLIC

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0209/FUL/16, for the reason(s) set out as follows:**

- 1 The car port by virtue of its scale and design will be visually detrimental to residential and visual amenity. The scale and choice of materials (wood boarding) is not acceptable and will have an adverse impact on existing residents amenity.

**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.***

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***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](http://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 - LIVE/0398/H/17**

Docquetted Number	Drawing Description
1	Location Plan
2	Car Port Dimensions



## HANDLING REPORT

<b>Ref. No.:</b>	LIVE/0398/H/17	<b>Email:</b>	arabella.leslie@westlothian.gov.uk
<b>Case Officer:</b>	Arabella Stewart-Leslie	<b>Tel No.:</b>	
<b>Ward:</b>	Bathgate	<b>Member:</b>	Charles Kennedy Willie Boyle Harry Cartmill John McGinty

<b>Title</b>	Erection of car port (in retrospect) (Grid Ref: 299887, 668608)(Grid Ref: ,) at 128 Charles Crescent, Bathgate, EH48 1JJ
<b>Application Type</b>	Local Application
<b>Decision Level</b>	Delegated List
<b>Site Visit</b>	19.06.2017
<b>Recommendation</b>	Refuse Permission
<b>Decision</b>	Refuse Permission
<b>Neighbour Notification</b>	Neighbour notification procedures have been have been carried out correctly - case officer verification. YES/NO
<b>Advertisement</b>	None

## Description of Proposals

Erection of car port (in retrospect) (Grid Ref: 299887, 668608)

## Site History

N/A

## Representations

1 Representations were received for this application.

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

- Concerns of the car port being used for business purposes
- The materials and construction
- Overbearing impact

## Consultations

There have been no consultations for this application.

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**Policies Considered**

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Policy Title	Policy Text
HOU9 - Residential and Visual Amenity	Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.

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**Policy Assessment**

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The proposal will be detrimental to residential and visual amenity due to the scale of the car port and the choice of materials/finish of the construction.

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**Officer Assessment**

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The application in retrospect is not of a suitable scale or materials for the location. The sloping roof to the front elevation provides an unacceptable design and does not give the appearance of a traditional garage outbuilding. The materials are not suitable given its residential context. The design and materials of the car port have been put together without consideration of neighbouring amenity and has an unfinished appearance resulting in an adverse effect on amenity. The wood boarding and glazed window do not integrate well together and impact on the overall appearance of the property.

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**Conclusions and Reasons for Decision**

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The proposal does not comply with Policy HOU 9 of the West Lothian Local Plan.

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**List of Review Documents**

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Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	SITE PLAN
2	Elevations	



From: [REDACTED]  
Date: 07/06/2017 21:43 (GMT+00:00)  
To: "Stewart-Leslie, Arabella" <[Arabella.Leslie@westlothian.gov.uk](mailto:Arabella.Leslie@westlothian.gov.uk)>  
Subject: Fwd: RE: Acolaid Case ENF/0024/17 - [OFFICIAL]

Hi Arabella

My husband and I reside at number 126 Charles Crescent and would like to submit our concerns regarding case number ENF/0024/17.

The definition of a car port according to Collins dictionary is 'a shelter for cars which is attached to a house and consists of a flat roof supported on pillars' The building constructed is clearly not a car port but a extremely large shed to be used for business purposes I suspect.

The construction of this 'car port' consists of OSB boards, double glazed window and door with corrugated sheet roofing. It has been put together hap hazzardly and is an eye sore to look at not only from our garden but anyone passing by.

We have attached a few pictures taken to try to show how overbearing the building is and how close it is to our back door.

The plans submitted are not to scale nor accurate and does not reflect the true size of the building. We feel the height and the close proximity to our boundary is overbearing.

I would appreciate if you can confirm receipt of this e-mail.

Yours sincerely  
Mr & Mrs Finlay



126 Charles Crescent  
Bathgate  
West Lothian

29<sup>th</sup> September 2017

Dear Val

Review Application No : 0398/H/17

We would like the following to be considered during this appeal.

Mr Lech states that the reason for the appearance of the 'carport' is because he wanted to make it watertight. Again I must reiterate the definition of a carport of being a shelter for cars consisting of a roof supported on posts therefore no need to be watertight.

To render something it has to be built of brick and/or block, is Mr Lech going to be changing the structure from a car port to an outbuilding?

We feel that the current building as it stands is excessive to house a car, see attached picture. As previously advised the majority of existing building is used for storage for his business.

Access to the 'carport' is limited to only on vehicle due to the uneven ground, narrowing of driveway to the rear and the proximity to existing conservatory and garden shed. Mr Lech approached us sometime ago to ask if we would remove the fence between our properties to allow him to reverse his Renault high top LWB van into his 'carport'. This clearly highlights how awkward and limiting access is.

Finally I would like to point out that this building is visible from the roadside and has a very negative impact on the street.

Yours faithfully

Angela & Tom Finlay























Our Ref: LIVE/0398/H/17  
Direct Dial No:  
Email: [arabella.leslie@westlothian.gov.uk](mailto:arabella.leslie@westlothian.gov.uk)  
9 October 2017

Tel: 01506 280000

## Draft conditions

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

The proposals accord with the terms of the development plan and there are no material considerations to indicate that the application should not be granted.

**This permission is granted subject to the following conditions:-**

- ( 1 ) The door attached to the structure shall be removed within one month of the date of this notice.

Reason: to allow the structure to operate as a car port, as that is what is applied for.

- ( 2 ) The height of the structure hereby approved shall be reduced to no more than 2.5 metres within three months of the date of this decision notice.

Reason: In the interest of residential amenity

- ( 3 ) The structure hereby approved shall be painted in a colour to be agreed with the planning authority. The proposed paint colour shall be submitted in writing for the agreement of the planning authority within one month of the date of this notice, and the structure will be painted within one month of the planning authority confirming, in writing, the approved colour.

Reason: In the interest of residential amenity

- ( 4 ) The car port hereby approved shall not be used for the storage of any materials other than materials associated with the owner's car(s) and materials associated with the enjoyment of the property.

Reason: To control the use of the car port, in the interest of residential amenity.

- ( 5 ) The car port hereby approved shall be used solely for domestic purposes, and not for business use.

Reason: in the interest of residential amenity.

