



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

27 February 2018

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 7 March 2018** 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 08 November 2017 (herewith).

Public Items for Decision

5. Notice of Review Application No.0932/H/17 - Erection of dormers at 59 Church View, Winchburgh, Broxburn (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email 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 8 NOVEMBER 2017.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Stuart Borrowman, William Boyle, Pauline Clark, Dom McGuire and David Tait

Apologies – Councillors Charles Kennedy and Tom Kerr

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of its meeting held on 13 September 2017. The Minute was thereafter signed by the Chair.

3. 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

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 for the demolition and erection of a replacement home and garage at 4 Letham Holdings, Pumpherston Road, Mid Calder.

Attached to the report were the Notice of Review and other relevant documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents.

Committee decided that the review documents in conjunction with the site visit conducted 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.

Motion

To uphold the review application and grant planning permission subject to two conditions; these being the need for the applicant to submit a ground conditions report to the satisfaction of SEPA and the planning authority

and that the roof should be redesigned in such a way that the overhang at the eaves was to be reduced in size to no more than 600mm.

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To uphold the review application and grant planning permission subject to one condition; this being the need for the applicant to submit a ground conditions report to the satisfaction of SEPA and the planning authority before the permission could be granted.

- Moved by Councillor Willie Boyle and seconded by Councillor Stuart Borrowman

A Roll Call Vote was taken which resulted as follows :-

Motion

Lawrence Fitzpatrick

George Paul

Amendment

Stuart Borrowman

Willie Boyle

Pauline Clark

Dom McGuire

David Tait

Decision

Following a vote the amendment was successful by 5 votes to 2 and it was agreed accordingly.

4. NOTICE OF REVIEW APPLICATION NO.0398/H/17 - ERECTION OF CARPORT (IN RETROSPECT) AT 128 CHARLES CRESCENT, BATHGATE

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 for the erection of a carport (in retrospect) at 128 Charles Crescent, Bathgate.

Attached to the report were the Notice of Review and other relevant documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents.

Committee decided that the review documents in conjunction with the site visit conducted 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.

Decision

To uphold the decision of the Appointed Person and refuse the review application.



LOCAL REVIEW BODY

APPLICATION NO. 0932/H/17 – ERECTION OF DORMERS AT 59 CHURCH VIEW, BROXBURN, WEST LoTHIAN

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 an attic conversion with dormers at 59 Church View, Broxburn

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 15 January 2018;
2. The Handling Report, date 4 January 2018;
3. The Notice of Review, submitted by the applicant, dated 29 January 2018. Also enclosed was a series of appendices as follows :-
 - A supporting statement
 - A copy of the application form
 - A location plan
 - Existing floorplans and elevations
 - Proposed floorplans
 - Proposed elevations
 - Photograph showing existing rear of the house
 - Photomontage showing proposed rear of the house
 - Photograph showing existing front of house
 - Photomontage showing proposed front of house

- Copy of the Decision Notice
- Copy of Handling Report
- Previous proposals (side elevations)
- Previous proposals (side elevations) revised
- Copies of emails between Planning Case Officer and architect
- Extract from West Lothian Local Plan Policy HOU9; and
- Extract from House Extension & Alteration Design Guide

No representations have been received in relation to the planning application

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by conducting a site visit only.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed dormers were unacceptable in that they would over dominate the existing front elevation to the detriment of the appearance of the building and the street scene and therefore were contrary to the council's House Alteration and Alteration Design guide 2015. Additionally the proposed dormers were unacceptable in that their design and location was considered to be detrimental to residential amenity, particularly when viewed from the side street and therefore was contrary to policy 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

Date: 7 March 2018



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 <u>Mr S Monaghan</u> |
| | | Address <u>59 Church View</u> |
| | | <u>Winchburgh</u> |
| | | Postcode <u>EH52 6SZ</u> |
| | | Telephone No. (1) _____ |
| | | Telephone No. (2) _____ |
| | | Fax : _____ |
| | E-mail : _____ | |
| | REPRESENTATIVE (if any) | Name <u>Euan FS Pearson MRTPI MRICS</u> |
| | | Address <u>Pearson Planning, CS</u> |
| | | <u>PO Box 28606, Edinburgh</u> |
| | | Postcode <u>EH4 9BQ</u> |
| | | Telephone No. (1) <u>0843 886 1974</u> |
| | | Telephone No. (2) _____ |
| | | Fax : _____ |
| | E-mail : <u>euan.pearson@pearson</u> <u>planning.co.uk</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. | <u>0932/H/I7</u> |
| | SITE ADDRESS | <u>59 Church View, Winchburgh</u> |
| | | |
| | | |
| | | |
| | DESCRIPTION OF PROPOSED DEVELOPMENT | <u>Attic conversion with Dormers</u> |
| | | |
| | DATE OF APPLICATION | <u>9th November 2017</u> |
| | DATE OF DECISION NOTICE (IF ANY) | <u>15th January 2018</u> |

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"/> |

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.

Please read Statement of Reasons

* ~~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.

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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. | List in email. |
| 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

| |
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| ✓ |
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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.

Rear of House is only accessible through House.

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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

[Redacted Signature]

Date **29 JAN 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

Notice of Review of 0932/H/17: Statement of Reasons**Attic Conversion with Dormers at 59 Church View, Winchburgh EH52 6SZ****1.0 Introduction**

The Applicant's house (59 Church View) is a Barratt Homes product, built as part of the 106 unit housing development known as Church Hill Brae. No.59 is a standard house type called a "Fernie". It is a detached family home on two levels. The property has a 45 degree pitched roof. This house type has an integral garage (5.5m x 2.6m) resulting in a loss of ground floor living space.

Since the introduction of Land & Building Transaction Tax in 2015, many people are choosing to buy cheaper priced properties (to minimise tax liability) and then extend them. This is either utilising permitted development rights or from permission from the local planning authority. There is no LBTT payable on a property under £145,000, for example.

In this case the Applicant seeks to create an additional bedroom (with en suite) in the roof space. This involves introducing front and rear dormers.

This is the second application made by the Applicant in 2017. An earlier application (0410/H/17) in May was withdrawn, on the advice of the case officer. Planning Assistant, Arabella Leslie, dealt with the application to begin with. Miss Leslie did not like the proposed front dormer on the basis that (see email of 10th July 2017) "*it would set an unacceptable precedent*" in a "*new housing estate*". In relation to the rear dormer She asked that "*it be reduced as much as possible*".

The Applicant knows that there is no such thing as a 'precedent', as applications are determined on merit. However, revised drawings were submitted.

The case officer had now changed to Planning Assistant, Tiwaah Antwi. She too did not like the proposal. However, in Her email of September, She asked for amended drawings showing a reduced width of the front dormer and a reduction in the height of the rear dormer.

On examining a revised drawing, She discounted it and placed the application on the delegated list for refusal. She told the Applicant in Her email of 29th September that the dormers over-dominate the roof contrary to guidelines and set a precedence within the new housing estate.

2.0 Determination of Application by Appointed Person

The Applicant made changes and reapplied for permission. The changes that were made were to reduce the size of both dormers (particularly the width on the front), and give the rear dormer a flat roof (thus reducing its overall height). This is what had been asked for by the previous case officers.

Tiwah Antwi, again, determined the application. Again, despite the changes, the proposal was unacceptable.

The Decision Notice gives two reasons for refusal:

1 The proposed dormers are unacceptable in that, the proposed dormers would over dominate the existing front elevation, to the detriment of the appearance of the building and the street scene, and contrary to the council's guidance on dormers as expressed in the House Extension and Alteration Design Guide 2015.

2 The proposed dormers are unacceptable in that its design and location is considered to be detrimental to residential amenity, particularly when viewed from the side street where both dormers are visible, and contrary to the requirements of Policy HOU 9 of the West Lothian Local Plan, which seeks to protect residential amenity.

The Applicant doesn't agree with these reasons.

The Council's House Extension & Alteration Design Guide (which is non-statutory) is complied with.

Similarly, Local Plan policy HOU9 is not contravened as the dormers do not "*adversely impact on amenity to a significant degree*".

3. Section 37 of the Planning Acts

The Local Review Body, as decision maker, must make a determination in accordance with the provisions of the Development Plan, unless material considerations suggest otherwise.

In this case the relevant provision of the Development Plan is policy HOU9 of the West Lothian Local Plan.

In this case, the only material consideration is the House Extension & Alteration Design Guide (2015). In particular, Sections 8 & 14.

The Design Guide has been written to allow Planning Officers and Councillors (as decision makers) to judge if extensions and alterations impact on residential and visual amenity. If a proposal complies with the detailed requirements in the Design Guide, then there must be the assumption that that proposal does not impact on amenity at all, or to a significant degree.

Therefore, the Applicant requires the LRB to consider the Design Guide first.

3.1 Sections 8 & 14, Design Guide

The Design Guide talks specifically about dormer extensions and balconies.

The proposed front dormer is a "modest individual dormer" to the front of the house. It is not a large box dormer which Section 8 says is less appropriate.

Neither of the dormers are so big that they dominate the roof, as illustrated in the photomontages provided (Documents 7 & 9). The dormers are on different roof plains.

Section 8 list seven conditions that dormers should meet.

In the case of both dormers these conditions are met as:

- (i) both are below the ridge line of the existing roof (see Proposed Elevations in Document 5);
- (ii) both are drawn back from the eaves (see Proposed Side Elevation in Document 5);
- (iii) both do not extend the full width of the roof. Both are less than 2½m wide;
- (iv) both are centred on the roof plain and do not extend to either gable;
- (v) both have glazing which are proportionate, and respect the character of the windows/doors below, especially on the front elevation;
- (vi) both will use materials to match the existing roof. A condition can be attached to require this;
- (vii) both dormers have glazing. The face of the front dormer is almost entirely glazed.

In complying with the Design Guide the dormers cannot be considered to be prominent nor will they have a major impact on the house or the streetscene.

Section 14 states that balconies will only be granted permission where there is no "*adverse affect*" on neighbouring properties due to "*overlooking of private amenity space, normally rear gardens*".

The proposed balcony is on the front elevation. It does not overlook any rear gardens, only the street below. There are no houses opposite, only open countryside. This is illustrated in the photograph in Document 6.

The balcony is very small measuring 1.99m deep x 1.87m wide. This doesn't leave much scope for sitting out (see floor plan in Document 4).

3.2 Policy HOU9

Policy HOU 9 states:

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.

In terms of residential amenity, the Planning Assistant confirms in the Report of Handling (Document 10) that *"the proposed dormers will not give rise to overshadowing or privacy issues"*.

The Planning Assistant, however, considers that *"The proposed extension is located on a corner plot and would be highly visible from both the front and side streets, to the detriment of wider visual amenity"*. Her difficulty here is that no matter what type of dormer you propose for either the front or rear elevation, it will be visible from the street (Church View). The dormers are not highly visible as the dormers are no more than 2½m wide and are only seen from the upstairs windows of 4 neighbouring properties. In addition, Church View is a quiet residential street in a 'loop', with no through traffic.

There is nothing in the Design Guide that states that houses should not have dormers on elevations visible from a road.

4.0 Conclusion & Recommendation

The proposed extension satisfies all the pre-conditions, in relation to dormers/balconies, in the Design Guide. This makes the proposal acceptable in terms of residential amenity and visual amenity.

Policy HOU9 does not support proposals that have adverse amenity impacts *"to a significant degree"*. Clearly that is not the case here.

Ergo, the LRB is asked to grant conditional planning permission as the proposal accords with both the Development Plan, and the only material consideration (Design Guide).



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100053079-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Attic conversion with dormers.

Has the work already been started and/ or completed? *

☒ No ☐ Yes - Started ☐ Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

| | | | |
|---|---------------------------------|--|-------------------|
| Company/Organisation: | T-Square Architectural Services | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Stuart | Building Name: | |
| Last Name: * | Banks | Building Number: | 70 |
| Telephone Number: * | 01506 844744 | Address 1 (Street): * | Bells Burn Avenue |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Linlithgow |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | EH49 7LB |
| Email Address: * | stuart@tsqarchitectural.com | | |
| Is the applicant an individual or an organisation/corporate entity? * | | | |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity | | | |

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|----------|--|-------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | S | Building Number: | 59 |
| Last Name: * | Monaghan | Address 1 (Street): * | Church View |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | Winchburgh |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | EH52 6SZ |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

59 Church View

Address 2:

Winchburgh

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Broxburn

Post Code:

EH52 6SZ

Please identify/describe the location of the site or sites

Northing

675013

Easting

308010

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Previous application was discussed with planning assistants Arabella Stewart-Leslie and Tiwaah Antwi. Note that this is a re-application with revised dormers.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

0410/H/17

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart Banks

On behalf of: Mr S Monaghan

Date: 09/11/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☒ Existing and proposed floor plans.
- ☒ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☒ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Stuart Banks

Declaration Date: 23/05/2017

Appendix 3



Location Plan. 1:1250.



Proposed Attic Conversion,
59 Church View,
Winchburgh.

Mr & Mrs S. Monaghan.

Location Plan.

Scale: 1:1250 @ A4. Date: Jan '17.

Drawing No: LP

Rev.



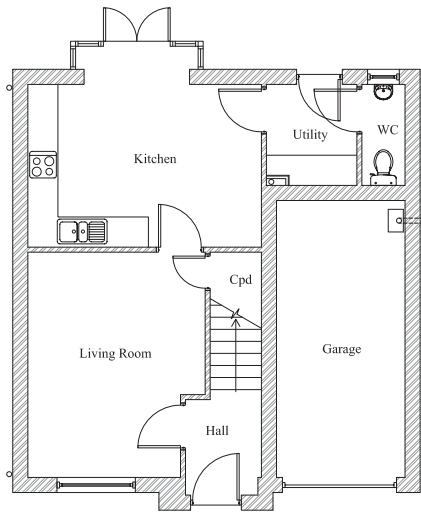
T-Square

70, Bellbus Avenue,
Lifford,
West Lothian.
EH49 7LB.

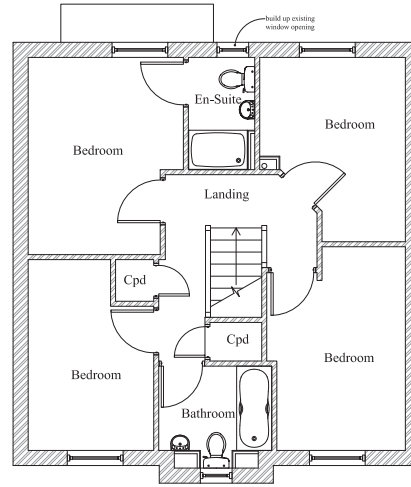
tel 01506 244744

Appendix 4

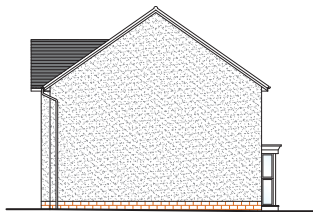
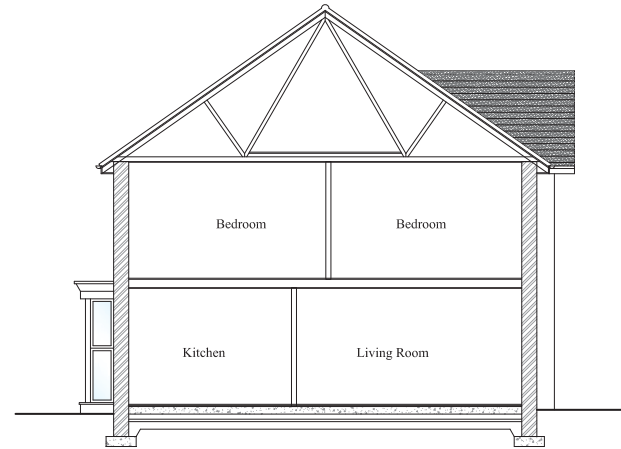
This drawing is intended for the sole purpose of obtaining building consent and/or planning permission and contains a great deal of information necessary for that purpose. As such, there may be certain omissions, although this drawing may appear complete. Changes except for those made by the architect should be made for construction or pricing purposes. If it should not.



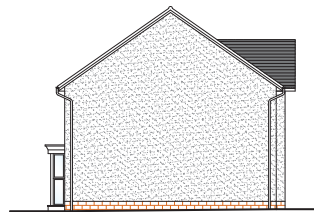
Proposed Ground Floor Plan, 1:50.



Proposed First Floor Plan, 1:50.



Existing Side Elevation, 1:100.



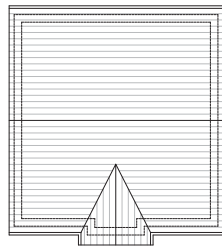
Existing Side Elevation, 1:100.



Existing Front Elevation, 1:100.



Existing Rear Elevation, 1:100.

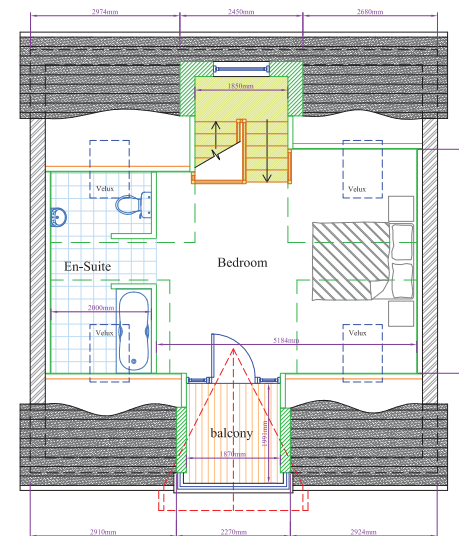


Existing Roof Plan, 1:100.

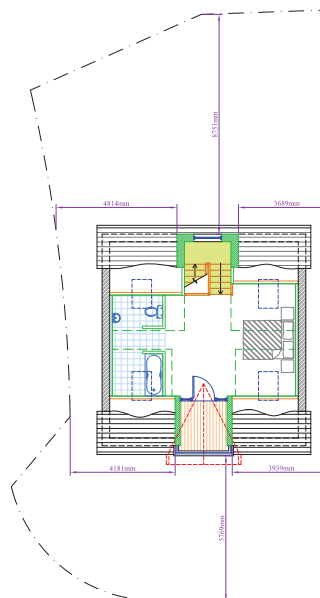
| | |
|---|---------------|
| Proposed Attic Conversion, 59 Church View, Winchburgh. Mr & Mrs S. Monaghan. | |
| Existing. | |
| Scale: varies @ A1 | Date: Apr '17 |
| Drawing No: EX01 | Rev: |

T-Square

10, Belahara Avenue,
Lifford,
West Lifford,
6400 1/2,
6400 1/2,
6400 1/2



Proposed Second Floor Plan. 1:50.

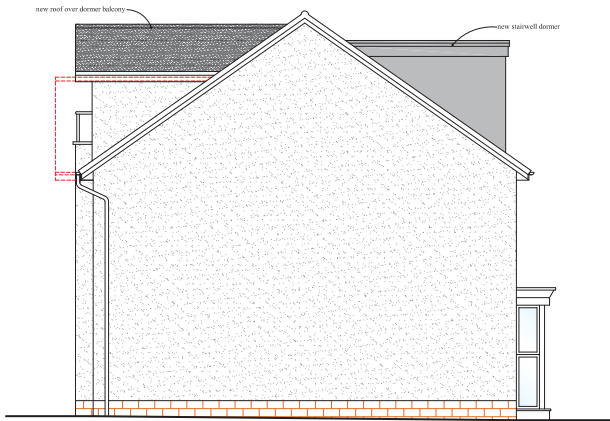


Proposed Site Plan. 1:100.

70, Bellaburn Avenue,
Lisnigore,
West Lothian.
EH49 7LB.
tel 01595 844744

Appendix 6

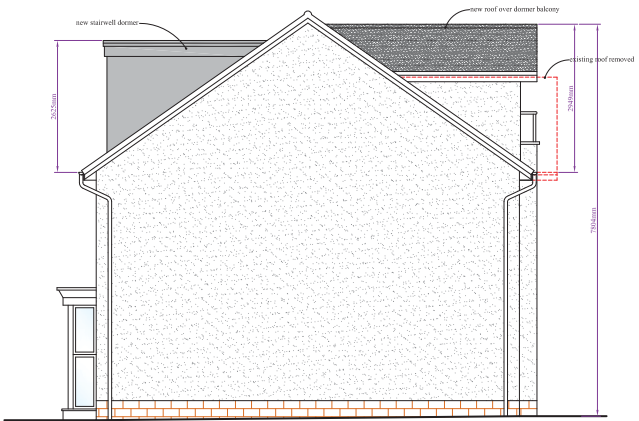
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Proposed Side Elevation. 1:50.



Proposed Front Elevation. 1:50.

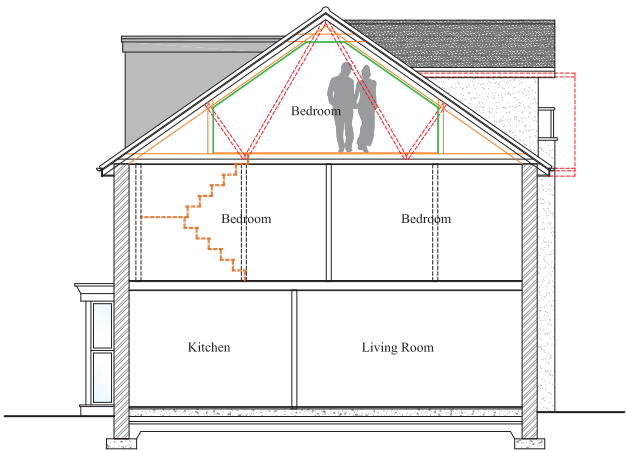


Proposed Side Elevation. 1:50.

Dormer finishes:
Front: Roughcast and roof tiles to match existing.
Rear: Zinc cladding to dormer walls to match neighboring properties, with single-ply membrane (grey) to roof.



Proposed Rear Elevation. 1:50.



Proposed Cross Section. 1:50.

Rev C: Planning alterations, 1/11/17,
Rev B: Planning alterations, 25/9/17,
Rev A: Dimensions added, 25/5/17.

Proposed Attic Conversion,
59 Church View,
Winchburgh.
Mr & Mrs S. Monaghan.

Proposed Elevations.
Scale: 1:50 @ A1 Date: Apr '17
Drawing No: 02 Rev: C



T-Square
10, Belbarn Avenue,
Leigham,
West Lothian
EH46 1LB
0131 556 84744











DATA LABEL: PUBLIC

HANDLING REPORT

| | | | |
|----------------------|-------------------------------|-----------------|---|
| Ref. No.: | 0932/H/17 | Email: | tiwaah.antwi@westlothian.gov.uk |
| Case Officer: | Tiwaah Antwi | Tel No.: | |
| Ward: | Broxburn, Uphall & Winchburgh | Member: | Angela Doran Chris Horne Diane Calder Janet Campbell |

| | |
|-------------------------------|---|
| Title | Erection of dormers(Grid Ref: 308010,675013) at 59 Church View, Winchburgh, Broxburn, West Lothian, EH52 6SZ |
| Application Type | Local Application |
| Decision Level | Delegated List |
| Site Visit | 05.12.2017 |
| Recommendation | Refuse Permission |
| Decision | Refuse Permission |
| Neighbour Notification | Neighbour notification procedures have been have been carried out correctly - case officer verification. YES/NO |
| Advertisement | |

Description of Proposals

Erection of dormers

Site History

Application: LIVE/0410/H/17 for the formation of dormers

Decision: Withdrawn on 09/10/2017

Representations

There have been no representations received for the application.

Consultations

There have been no consultations carried out for the application.

Policies Considered

| 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. |

Policy Assessment

The proposal has been assessed against the need to protect residential and visual amenity. See officer's report below.

Officer Assessment

The proposal is for the erection of two dormers at the front (with an enclosed balcony) and rear of the property. Although the proposed dormers will not give rise to overshadowing or privacy issues, the front dormer and balcony extends to the eaves, contrary to the requirements set out in the householder supplementary guide due to its design and location. The dormer would constitute a fundamental change to the appearance of the house, to the detriment of the appearance of the existing house and the street scene.

The proposed extension is located on a corner plot and would be highly visible from both the front and side streets, to the detriment of wider visual amenity. The scale, design, location and difference in roof heights of the two dormers contradict policy HOU9 of the West Lothian Local Plan and the supplementary guidance for dormers extensions.

The proposal does not comply with policy HOU9 of the West Lothian Local Plan (WLLP), DES1 of the LDP and the Council's House Extension and Alteration Design Guide 2015 and is considered to be detrimental to the building itself and the amenity of the surrounding area.

Refusal is therefore recommended.

Other Considerations

N/A

Conclusions and Reasons for Decision

The proposal does not comply with policy HOU9 of the West Lothian Local Plan and the Council's House Extension and Alteration Design Guide 2015.

List of Review Documents

Drawings schedule:

| Docquetted Number | Drawing Description | Drawing Number |
|-------------------|--------------------------|----------------|
| 1 | Location Plan | LP |
| 2 | Floor Plans & Elevations | EX01 |
| 3 | Floor Plan | 01 C |
| 4 | Proposed Elevations | 02 C |

Other relevant documents:

West Lothian Local Plan and West Lothian Local Development (proposed plan)

Case Officer: Tiwaah Antwi

Date: 04/01/2018



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 0932/H/17

PROPOSAL Erection of dormers

LOCATION 59 Church View, Winchburgh, Broxburn, West Lothian, EH52 6SZ,
(GRID REF: 308010, 675013)

APPLICANT Mr S Monaghan, 59 Church View, Winchburgh, Scotland, EH52 6SZ

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:
15.01.2018

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 0932/H/17, for the reason(s) set out as follows:

- 1 The proposed dormers are unacceptable in that, the proposed dormers would over dominate the existing front elevation, to the detriment of the appearance of the building and the street scene, and contrary to the council's guidance on dormers as expressed in the House Extension and Alteration Design Guide 2015.
- 2 The proposed dormers are unacceptable in that its design and location is considered to be detrimental to residential amenity, particularly when viewed from the side street where both dormers are visible, and contrary to the requirements of Policy HOU 9 of the West Lothian Local Plan, which seeks to protect residential 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.

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.

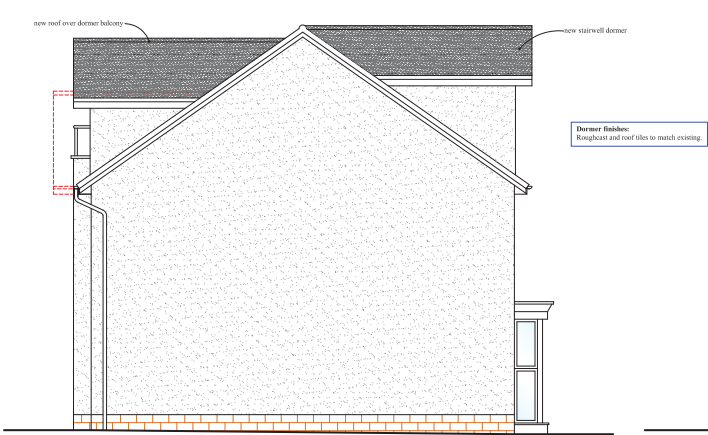
Annex 1, Schedule of Plans - 0932/H/17

| Docquetted Number | Drawing Description | Drawing Number |
|-------------------|--------------------------|----------------|
| 1 | Location Plan | LP |
| 2 | Floor Plans & Elevations | EX01 |
| 3 | Floor Plan | 01 C |
| 4 | Proposed Elevations | 02 C |

Appendix 13

© T-Square
Do not Scale

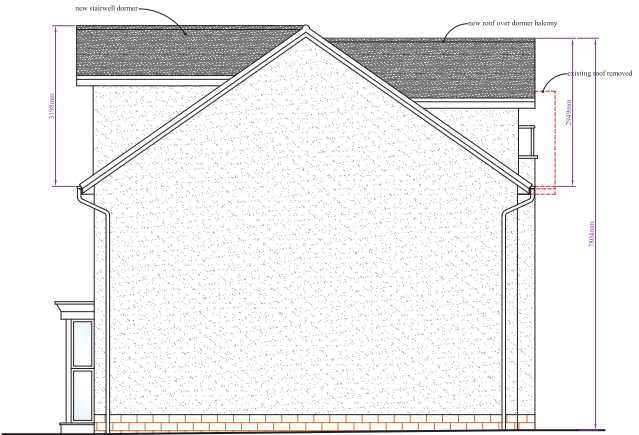
This drawing is intended for the sole purpose of obtaining building consent and/or planning permission and contains a great deal of information relevant to that purpose. As such, there may be certain assumptions, omissions or errors in this drawing. It is intended for use for construction or pricing purposes. It is made to scale.



Proposed Side Elevation. 1:50.



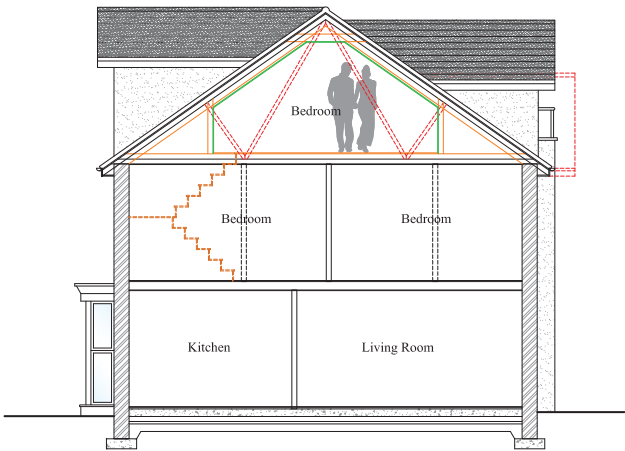
Proposed Front Elevation. 1:50.



Proposed Side Elevation. 1:50.



Proposed Rear Elevation. 1:50.



Proposed Cross Section. 1:50.

Proposed Attic Conversion,
59 Church View,
Winchburgh.
Mr & Mrs S. Monaghan.

Proposed Elevations.

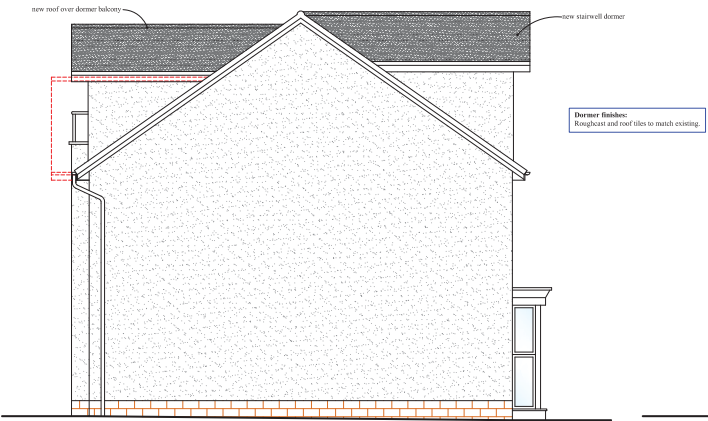
Scale: 1:50 @ A1 Date: Apr '17
Drawing No: 02 Rev:

T-Square
10, Redburn Avenue,
Leitrim,
Wexford,
W40 1LH.
Tel: 01 536 846744

Appendix 14

This drawing is intended for the sole purpose of obtaining building consent and/or planning permission and contains a great deal of information relevant to that purpose. As such, there may be certain assumptions, omissions or errors in this drawing and the user must accept no liability for any consequences should it be used for construction or pricing purposes. If it should not.

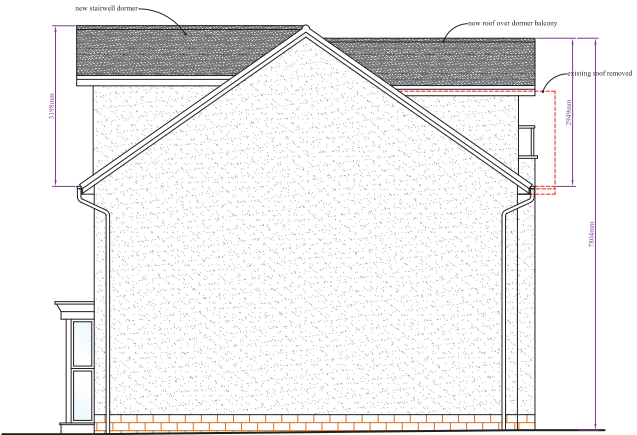
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Proposed Side Elevation. 1:50.



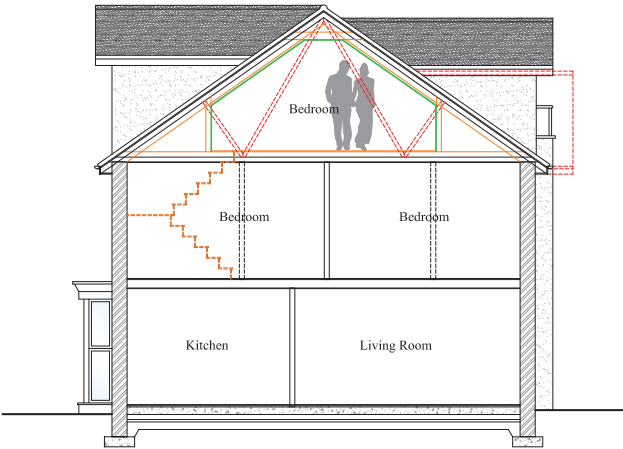
Proposed Front Elevation. 1:50.



Proposed Side Elevation. 1:50.



Proposed Rear Elevation. 1:50.



Proposed Cross Section. 1:50.

Rev B: Planning alterations, 25/9/17.
Rev A: Dimensions added, 25/5/17.

Proposed Attic Conversion,
59 Church View,
Winchburgh.
Mr & Mrs S. Monaghan.

Proposed Elevations.

Scale: 1:50 @ A1 Date: Apr'17
Drawing No: 02 Rev: B



T-Square
10, Redburn Avenue,
Leigh,
Greater Manchester,
M40 1LH.
Tel: 0161 556 6674

From: "Stewart-Leslie, Arabella" <Arabella.Leslie@westlothian.gov.uk>
To: "stuart@tsqarchitectural.com" <stuart@tsqarchitectural.com>
Sent: 10/07/2017 16:02:54
Subject: 0410/H/17 59 Church View, Winchburgh, Broxburn, EH52 6SZ - [OFFICIAL]

DATA LABEL: OFFICIAL

Dear Stuart,

Having completed a site visit and considering the proposals the dormer/balcony to the front elevation is not acceptable. Due it being a relatively new housing estate having such a large addition to the front elevation would set an unacceptable precedent. Seeing as this dormer didn't provide any useable bedroom space it would be best if this elevation remain as it.

Understanding that the rear elevation dormer is required for the stairs into the roof space, could this dormer be reduced as much as possible without compromising on the stair space?

Kind regards
Arabella

Arabella Stewart-Leslie

Planning Assistant
Development Management
West Lothian Civic Centre
Howden South Road
Livingston, EH54 6FF
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.

From: "Antwi, Tiwaah" <Tiwaah.Antwi@westlothian.gov.uk>
To: "Stuart Banks" <stuart@tsqarchitectural.com>
Sent: 18/09/2017 16:36:50
Subject: RE: LIVE/0410/H/17 (59 Church View, Winchburgh, Broxburn, EH52 6SZ) - [OFFICIAL]

DATA LABEL: OFFICIAL

Hi Stuart,

I have had a look at the application together with my manager. We are happy to review the application once an amended drawing has been submitted to reflect our recommendation below, should this be something your client would consider. Could the width of the front balcony be reduced to match the width of the protruding wall and the roof of the rear dormer reduced to match the height of the front dormer.

I would be grateful if you could hand this in by next Monday to ensure a speedy process as this has elapsed way beyond the determination date.

I am looking forward to hearing from you.

Many thanks,

Tiwaah Antwi
Planning Assistant

Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6F

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

From: "Antwi, Tiwaah" <Tiwaah.Antwi@westlothian.gov.uk>

To: "Stuart Banks" <stuart@tsqarchitectural.com>

Sent: 29/09/2017 15:30:03

Subject: RE: Re[4]: LIVE/0410/H/17 (59 Church View, Winchburgh, Broxburn, EH52 6SZ) - [OFFICIAL]

DATA LABEL: OFFICIAL

Hi Stuart,

I do apologise for the mix up caused. The application have been put up on the delegated list for refusal on the grounds of the design over dominating the roof, not meeting our guidance for the dormers (mostly the difference in heights which has been an issue due to the requirement for the stairwell landing) and the fact that the proposal would most likely set precedence within the new housing estate.

Many thanks,

*Tiwaah Antwi
Planning Assistant*

Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

From: Stuart Banks [<mailto:stuart@tsqarchitectural.com>]

Sent: 29 September 2017 15:14

To: Antwi, Tiwaah

Subject: Re[4]: LIVE/0410/H/17 (59 Church View, Winchburgh, Broxburn, EH52 6SZ) - [OFFICIAL]

Hi,

Sorry, I'm not understanding you. Firstly, are we talking front or rear dormer?!

Can we clarify which elevation you're referring to as north? I maybe should have labelled the 3D images differently - when I've said, for example, view facing north, I meant that as the viewer facing north, looking at the south gable. To be accurate it should be described as viewer facing north east, facing the south west gable.

When you say gable end I presume you mean the dormer gable, and not the gable ends of the house, which are nowhere near the proposed dormers?

I think it's best if we could have a quick chat about this. I don't have a phone number for you, so could you either give me a call or let me know your direct dial please?

Thanks.

Regards,
Stuart Banks
T-Square Architectural Services
01506 844744

<http://www.tsqarchitectural.com/>

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

From: "Antwi, Tiwaah" <Tiwaah.Antwi@westlothian.gov.uk>

To: "Stuart Banks" <stuart@tsqarchitectural.com>

Sent: 29/09/2017 14:19:57

Subject: RE: Re[2]: LIVE/0410/H/17 (59 Church View, Winchburgh, Broxburn, EH52 6SZ) - [OFFICIAL]

DATA LABEL: OFFICIAL

Hi Stuart,

I have had a look at the revised drawing and would recommend that the width of the proposed elevation is not extended right up to the gable end so that it is visible from the North elevation. I would recommend that you have a look at the Council's House Extension and Alteration Design Guide 2015 on our website. It gives a clearer view of the requirements for a dormer.

I hope this helps and I look forward to your new proposal.

Kind regards,

Tiwaah Antwi

Planning Assistant

Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

6.49 The amenity currently enjoyed by existing residents and other occupiers should not be significantly affected by new development, whether from new housing or other proposed uses. Various policies in this local plan require residential and visual amenity to be taken into account in the determination of planning applications. Policy EM 10 in Chapter 5 *Employment* is one such example.

6.50 The scope of amenity considerations is wide, and anything dirty, noisy, crowded, destructive or intrusive may injure the interests of amenity, associated either with the on-site activity of the proposal or the traffic generated. While residential amenity may be a more obvious issue associated with impact from new non-residential development, it may also arise in cases of change of use proposals or even housing development.



Policy HOU 9

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.

Infrastructure

6.51 New housing will only be allowed to proceed where the necessary infrastructure to support it has been provided or its funding has been committed. The council's position on infrastructure capacity and provision is set out in Chapter 12 *Implementation*.

Affordable and special needs housing

6.52 SPP 3 gives the following definition of affordable housing:

"Broadly defined as housing of a reasonable quality that is affordable to people on modest incomes." This definition is supported in Planning Advice Note 74 *Affordable Housing* (PAN 74). Given that this is described as a 'broad definition', it is supported by a West Lothian Local Housing Strategy (WLLHS) and local plan interpretation as :

Housing that is for sale or rent to meet the identifiable needs of people who cannot afford to buy or rent housing generally available on the open market. It includes social rented accommodation, shared ownership forms of accommodation and subsidised housing for sale. Modest income is considered to be relative to the market conditions in the area where the affordable housing is proposed.

6.53 In addition to the definition of affordable housing, the following definition of need is used for both the WLLHS and the local plan:

*The term **need** describes the circumstances where a household is living in housing which falls below an acceptable standard or fails to meet their essential needs in other ways and the household does not have sufficient income to rent or buy even the cheapest housing at prices prevailing in the housing market. The definition also applies to people who are homeless*

Guidance on specific types of development

8. Dormer extensions

Because of their prominence, new dormers can have a major impact on the appearance of the property and the streetscene. As a result, modest individual dormers to the front of the property are more appropriate than large single box dormers. Dormers should not be so big that they dominate the roof.

Where more than one dormer is proposed on a single roof plane, the separation between the dormers should be carefully considered. Following the proportions and alignment of the window openings of the existing dwelling (see figure 1) is encouraged.

In general terms dormers should:

- (i) be well below the ridgeline of the existing roof;
- (ii) be drawn well back from the eaves;
- (iii) not extend the full width of the roof
- (iv) not extend right up to the gable end;
- (v) relate to windows and doors below in terms of character, proportion and alignment;
- (vi) match the materials of the existing roof; and
- (vii) have a front face which is predominantly glazed.

9. Front extensions

Apart from small porches, extensions should not generally be built forward of the main building line of the property and should be avoided due to their impact and prominence on the streetscene.

10. Side extensions

Since side extensions are usually visible from the street, care must be taken to ensure that the extension does not detract from the overall streetscene. Side extensions on corner plots are especially prominent and require particularly skilful handling.

Side extensions should not generally project in front of the principal elevation of the existing building. It is a good idea to set the extension back behind the building, even if only by the length of a brick, to create a "shadow" which hides the join between the old and new.

Two storey side extensions in particular must be designed to be subsidiary in appearance to the main house. Not only should the extension be set back from the building line of the main house, the ridge line of the extension should normally be lower than the ridge of the roof of the main house. Two storey extensions with flat roofs will not normally be permitted unless employed as a design solution. A two storey extension to a single storey house will rarely be acceptable.

11. Rear extensions

Rear extensions have much less impact on the streetscene than extensions to the front or side, but two storey rear extensions can cause overlooking problems and loss of daylight to neighbouring properties. Particular attention should be paid to issues of privacy, overlooking, and sunlight/daylight and overshadowing.

Two storey rear extensions with flat roofs will not normally be permitted unless employed as a design solution. Ideally, the pitch and form of the extension roof should match that of the existing roof, although it is accepted that there are instances when this will not be possible. A two storey extension to a single storey house will rarely be acceptable.



12. Garages, garden sheds / huts and other outbuildings

The design and location of a proposed garage should be in harmony with the existing dwelling and surroundings: they should be located either at the side or rear of a house, providing that sufficient garden ground is available. A private driveway at least 6 metres long must be provided in front of the garage, and the garage doors and driveway gates must not open out over the road or public footpath. You do not only need planning permission for a new driveway unless you live on a classified road or in a flat.

Garden huts and other outbuildings should not extend in front of the established building line and should be positioned to ensure that the amenity of any neighbours' houses or gardens is protected.

13. Fences and walls

Fences and walls, particularly in front gardens, can have a significant effect on the appearance of the property and surroundings. When erected beside driveways or on the corner of the street, they can also have an impact on sightlines and traffic safety.

In front gardens, walls and fences should not generally exceed one metre in height, and in rear gardens they should not exceed two metres. Materials should usually be timber or a material that complements the character of the property and neighbourhood.

14. Balconies, raised patios and decking

As balconies and sun decks can offer direct panoramic views over adjoining properties and gardens, the residential amenity of neighbours can be severely affected. Applications will be assessed in terms of privacy and overlooking.

Decking should be located as near to ground level as possible; if it is less than half a metre above ground level is unlikely to require planning permission. Where sites are steeply sloping or any part of the floor of the decking will be more than half a metre above the ground planning permission will be required. In such cases the decking should not be located on or close to the boundary of your property.

Balconies, raised patios and sun decks will only be granted permission where there is no adverse effect on neighbouring properties because of overlooking of private amenity space, normally rear gardens.

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 0932/H/17

PROPOSAL Erection of dormers

LOCATION 59 Church View, Winchburgh, Broxburn, West Lothian, EH52 6SZ,
(GRID REF: 308010, 675013)

APPLICANT Mr S Monaghan, 59 Church View, Winchburgh, Scotland, EH52
6SZ

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:
15.01.2018

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 0932/H/17, for the reason(s) set out as follows:

- 1 The proposed dormers are unacceptable in that, the proposed dormers would over dominate the existing front elevation, to the detriment of the appearance of the building and the street scene, and contrary to the council's guidance on dormers as expressed in the House Extension and Alteration Design Guide 2015.
- 2 The proposed dormers are unacceptable in that its design and location is considered to be detrimental to residential amenity, particularly when viewed from the side street where both dormers are visible, and contrary to the requirements of Policy HOU 9 of the West Lothian Local Plan, which seeks to protect residential 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.

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 - 0932/H/17

| Docquetted Number | Drawing Description | Drawing Number |
|-------------------|--------------------------|----------------|
| 1 | Location Plan | LP |
| 2 | Floor Plans & Elevations | EX01 |
| 3 | Floor Plan | 01 C |
| 4 | Proposed Elevations | 02 C |

HANDLING REPORT

| | | | |
|----------------------|-------------------------------|-----------------|---|
| Ref. No.: | 0932/H/17 | Email: | tiwaah.antwi@westlothian.gov.uk |
| Case Officer: | Tiwaah Antwi | Tel No.: | |
| Ward: | Broxburn, Uphall & Winchburgh | Member: | Angela Doran Chris Horne Diane Calder Janet Campbell |

| | |
|-------------------------------|---|
| Title | Erection of dormers(Grid Ref: 308010,675013) at 59 Church View, Winchburgh, Broxburn, West Lothian, EH52 6SZ |
| Application Type | Local Application |
| Decision Level | Delegated List |
| Site Visit | 05.12.2017 |
| Recommendation | Refuse Permission |
| Decision | Refuse Permission |
| Neighbour Notification | Neighbour notification procedures have been have been carried out correctly - case officer verification. YES/NO |
| Advertisement | |

Description of Proposals

Erection of dormers

Site History

Application: LIVE/0410/H/17 for the formation of dormers

Decision: Withdrawn on 09/10/2017

Representations

There have been no representations received for the application.

Consultations

There have been no consultations carried out for the application.

Policies Considered

| 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. |

Policy Assessment

The proposal has been assessed against the need to protect residential and visual amenity. See officer's report below.

Officer Assessment

The proposal is for the erection of two dormers at the front (with an enclosed balcony) and rear of the property. Although the proposed dormers will not give rise to overshadowing or privacy issues, the front dormer and balcony extends to the eaves, contrary to the requirements set out in the householder supplementary guide due to its design and location. The dormer would constitute a fundamental change to the appearance of the house, to the detriment of the appearance of the existing house and the street scene.

The proposed extension is located on a corner plot and would be highly visible from both the front and side streets, to the detriment of wider visual amenity. The scale, design, location and difference in roof heights of the two dormers contradict policy HOU9 of the West Lothian Local Plan and the supplementary guidance for dormers extensions.

The proposal does not comply with policy HOU9 of the West Lothian Local Plan (WLLP), DES1 of the LDP and the Council's House Extension and Alteration Design Guide 2015 and is considered to be detrimental to the building itself and the amenity of the surrounding area.

Refusal is therefore recommended.

Other Considerations

N/A

Conclusions and Reasons for Decision

The proposal does not comply with policy HOU9 of the West Lothian Local Plan and the Council's House Extension and Alteration Design Guide 2015.

List of Review Documents

Drawings schedule:

| Docquetted Number | Drawing Description | Drawing Number |
|-------------------|--------------------------|----------------|
| 1 | Location Plan | LP |
| 2 | Floor Plans & Elevations | EX01 |
| 3 | Floor Plan | 01 C |
| 4 | Proposed Elevations | 02 C |

Other relevant documents:

West Lothian Local Plan and West Lothian Local Development (proposed plan)

Case Officer: Tiwaah Antwi

Date: 04/01/2018

Our Ref: 0932/H/17

Direct Dial No:

Email: tiwaah.antwi@westlothian.gov.uk

21 February 2018

Tel: 01506 280000

Draft conditions

In the event that planning permission is granted for this application, the following conditions maybe attached:-

1. The front dormer shall be reduced in depth so that its front wall is a metre back from the existing wall head.
2. The rear dormer face and cheeks shall be finished with vertical roof tiles to match the existing roof tiles in colour and texture.

Reason: In the interest of visual amenity.

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

| | |
|----------|---|
| 1 | Type of review, review documents, procedural problems, new matters raised, draft conditions and developer agreements |
| 2 | Development plan policies and national and local planning guidance |
| 3 | Relevant material considerations drawn from the review documents |
| 4 | Factual disputes to be resolved |

PART 2 – FIRST MEETING

| | |
|----------|---|
| 1 | National guidance on review cases and applicant's preferences for procedures |
| 2 | Additional Information needed and why |
| 3 | How to get it – site visit, written submissions, Hearing Session |
| 4 | Sufficient information to determine the application? |

PART 3 – ADJOURNED FIRST MEETING

| | |
|----------|---|
| 1 | Completion of procedures decided on at first meeting |
| 2 | Additional information needed and why |
| 3 | How to get it |
| 4 | Sufficient information to determine the application? |

PART 4 – DETERMINATION

| | |
|----------|---|
| 1 | Assess against each development plan policy - conform or breach? |
| 2 | Decide as per development plan unless justified by material considerations |
| 3 | In applying the statutory test, what is the decision? |
| 4 | Provide planning reasons for decision letter and minute |