

Mr & Mrs Lind
46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

Dear Sir / Madam,

Letter of Representation to the Local Review Body Regarding Application 0740/FUL/18

The applicant may have lived at this address for a long time, however at least 50% of the house is a new extension which they constructed soon after they bought the property. As such, the inference that they have been sympathetically restoring the property over this timeframe is fiction. The applicant told me outright that the house is now too large for them and that they would be looking to move and downsize, but first want to maximise the amount of revenue they can get out of the property by trying to get planning permission for a site in the garden before they sell up. I hope this cynical use of a sob story is not given any credence. This planning application is purely for financial gain with no concern or consideration for the neighbouring properties, the amenity of the occupants of the proposed property or the general characteristics of the surrounding area.

I agree with the planners that the proposed plot is clearly backland development and, whilst it may not strictly be tandem development to my property at 46 Newpark Road due to its access arrangement in principle, it is clearly in tandem with my property in reality. If you apply the definition strictly, the proposal is clearly in "tandem" with 3&4 Blythfield Cottages as they sit at 90° to Newpark Road and the proposed plot would take its entry off the access drive to the cottages.

The applicant wants this proposal to be regarded as infill development. The council's own document states, and is very specific about, the requirement that when an infill development site "does not have a direct street main frontage they invariably have an INDEPENDENT vehicular access from the side or rear in the form of an unadopted private driveway or road". Under the definitions in your own SPG, for a plot to be considered as infill it needs to have an independent access, not a shared access as is clearly the case here. Infill development is described by the SPG as filling a gap in a street-line between two existing properties. The proposed site is situated far from the street and as far from the sightline of the applicant's existing house as possible, with no regard for the overlooking issues or the linear nature of the existing dwellings in Bellsquarry. As such it cannot reasonably be considered as infill development, but rather backland development as the planners observed.

The proposal would require the removal of in excess of 40 mature trees which were planted to provide an amenity screen between the industrial park behind the plot, which it shares two boundaries with, and the residential area along Newpark Road. The area of garden ground which this proposed plot relates to was sold to the previous owner of 1&2 Blythfield Cottages at the time of the development of the industrial park to provide a buffer to the existing houses and was sold with the burden upon it that it was to remain only as garden ground. The proposal is not possible without the removal of all of these trees and would leave a very sparse tree belt in place of the effective screen provided by the dense cover and high canopies of the existing strip of woodland.

The examples of previous historic applications used by the agent are not valid. Neither is an example of current planning policy - the bungalows were built in the 1980's and Sandygate Cottage was from 1999. The planning guidelines that allowed these approvals were long ago superseded. Applications in 2018 are determined using the planning regulations and SPG that are currently applicable. Neither of these mirror the proposal under review as the both have direct access to road frontage rather than requiring access via another home's shared private drive.

An application that is comparable is 0604/P/09 - Planning Permission in Principle for the erection of a house in land adjacent to 36 Newpark Road. As you can see from the Location Plan and the extract from the Livingston Town Plan (Figures 1 and 2, overleaf) this site was also along a shared drive off Newpark Road. It was also to be off the street frontage and out of line with existing homes and shared a boundary with Brucefield Industry Park. It was refused by the planning committee. The planner stated in his refusal notice for 0604/P/09 the following:

"The proposed development site is considered to be 'tandem' development, being land to the rear of existing residential properties, where a shared access will be required to access the site from the public road and the proposals offer no street frontage. The plot size is also smaller than that required for this type of development, resulting in unacceptable town cramming. This, in conjunction with the proximity of the site to existing lawful employment uses, is likely to provide any new house with limited amenity. The development is therefore contrary to the following policies and guidance which seek to avoid town cramming:

- Policy HOU4 (Avoiding Town Cramming) of the WLLP
- Supplementary Planning Guidance, a Single Plot and Small Scale Infill Residential Development In Urban Areas"

It subsequently was appealed to the Scottish Government. The reporter upheld the refusal.

The site under review has these exact same issues and its refusal should be upheld.

The applicant states that they have now shown a 9m back garden between the proposed house and 46 Newpark Road. If this is to be the back garden, then I assume it is deemed to be the rear elevation. Accordingly, the SPG states on page 7 that the rear to rear distance between buildings is 18m not 12m. Again, we state that on page 8 of the SPG "the acceptable minimum distance between windows of habitable rooms that are directly facing each other is 18m". No mention is made of which elevation it is, if the rooms are habitable and facing it must be a minimum of 18m. The proposed house is 6m too close to be acceptable to the council's own SPG.

The applicant is also trying to introduce a revised driveway/garage layout at this stage. This is supposed to be a review of the current refused application not a decision on a new one. This change is clearly inadmissible for you review as this would require a new application.

We would request that you uphold the refusal decision made by the development manager and abide by the council's own planning standards.

Yours faithfully,

Neil and Jill Lind

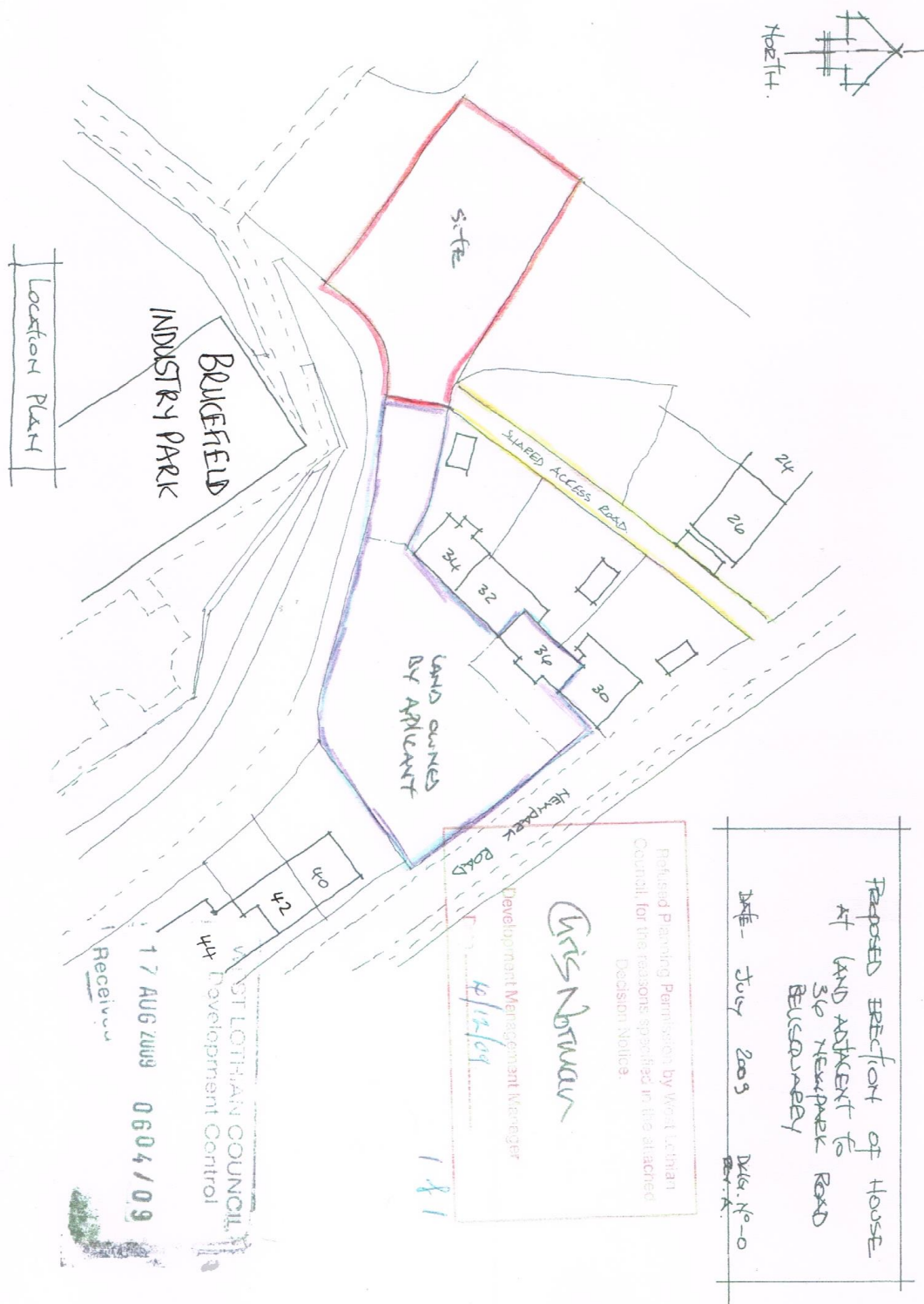


Figure 1: Location Plan of refused application 0604/P/09.

West Lothian Local Development Plan 2018:

KEY

Countryside

- ▲ Nature Reserves
- Protected Right of Way/Core Path
- Proposed Strategic Route
- Land to West Suitable for Very Low Density Housing
- Site of Special Scientific Interest (SSSI)
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Special Landscape Area (SLA)
- Countryside Belt
- Land Safeguarded for Open Space
- Local Biodiversity Sites (LBS)
- Local Geodiversity Sites (LGS)

Heritage

- ★ Scheduled Monument
- Royal Park and Peel
- Designed Gardens and Landscapes
- Battlefields
- Conservation Area
- Area of Special Control
- Development Restrictions (The Rigs)

Employment

- Employment Sites
- Employment Area Boundary

Housing

- Housing Allocation
- Lowland Croft Area
- Settlement Boundary

Town Centre

- Town Centre
- Local Neighbourhood Centre
- Commercial Centre
- Mixed Use

Miscellaneous

- ◆ Proposal
- Proposal
- Pipeline
- Core Development Area
- Cemetery Use
- Search Area for Opencasting
- Licence Area for Petroleum Exploration and Development
- Waste Management Site

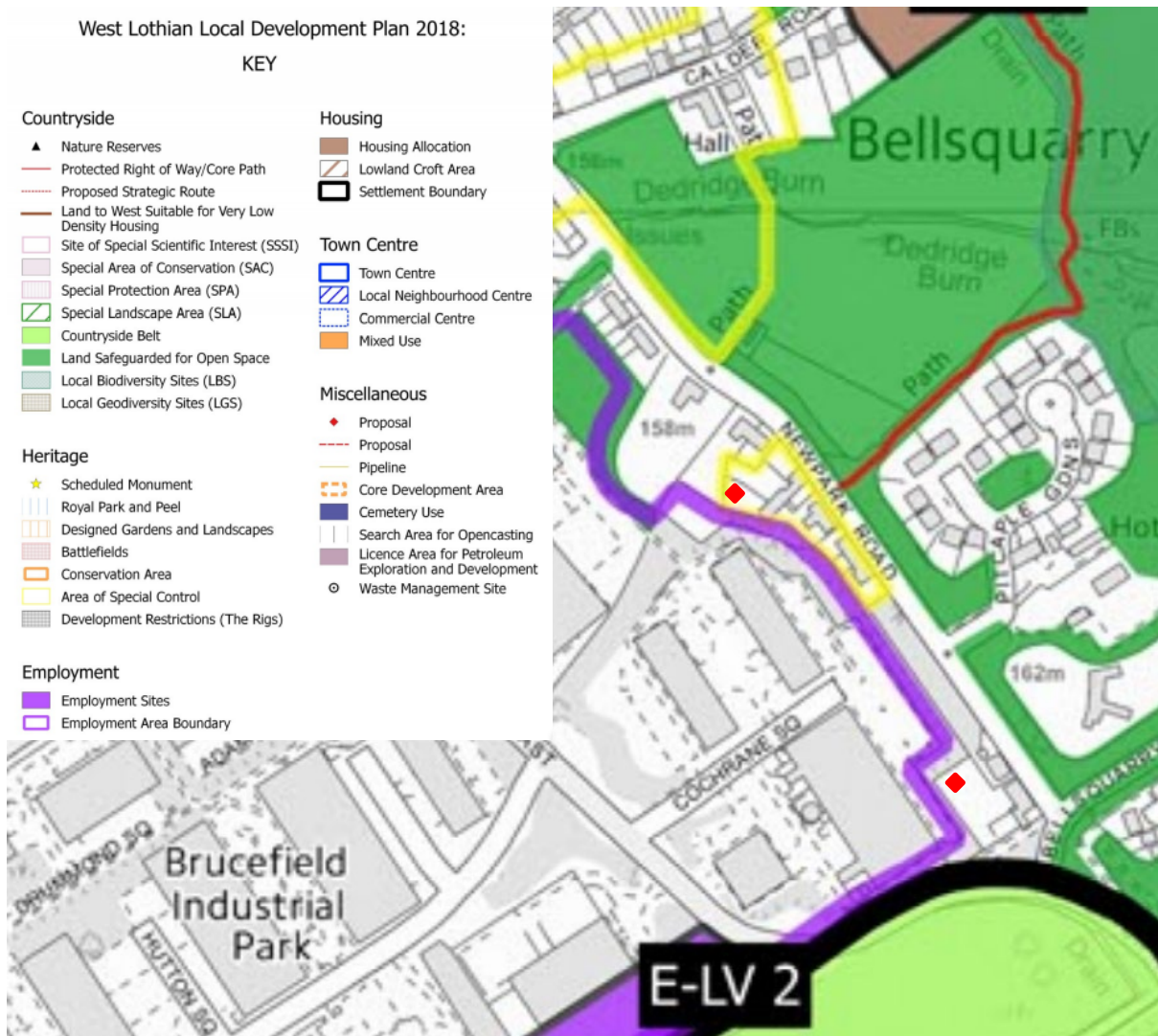


Figure 2: Extract from Livingston Town Plan showing the refused sites at 36 Newpark Road and 1&2 Blythfield Cottages (red diamonds) and highlighting their comparable locations on the boundary of Brucefield Industrial Park.