



## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

Erection of a double garage at Hetherington, 10 James Street, Armadale.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">1077/H/19</a>	<b>Owner of site</b>	Mr Ian McDonald
<b>Applicant</b>	Mr Ian McDonald  Hetherington James Street Armadale EH48 3JG	<b>Ward &amp; local members</b>	<b>Armadale &amp; Blackridge</b>  Stuart Borrowman  Sarah King  Andrew McGuire
<b>Case officer</b>	Rachael Lyall	<b>Contact details</b>	01506 281110 Rachael.Lyall@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Local Member Request by Councillor Stuart Borrowman

#### 3. RECOMMENDATION

Grant Planning Permission

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 This planning application proposes the erection of a double garage at the above address. The proposed double garage is one and a half storeys and will be located to the north-east of the site, which was previously used as garden ground containing several trees, shrubbery and other landscaping. Some of this has now been removed by the applicant to allow space for the development.
- 4.2 The double garage will measure 11.250m x 7.350m and will be 5.445m in height to the ridgeline of the mansard style roof. The proposed materials are natural masonry stone for the front elevation and base course with an 'off-white' external render on the remaining elevations.
- 4.3 The front elevation of the development will feature a large double garage door, a small window opening and several Velux roof lights within the roof space of the first floor. The rear elevation will feature a small W/C window on the ground floor and a small dormer window within the roof space. Both of these windows will be opaque glazed in order to prevent any direct overlooking. All window and door openings are to be a grey UPVC.

- 4.4 The proposed works also look to remove a small existing garage located within the driveway of the site. The existing driveway is to be regraded so that it will be level when accessing the site. The proposed garage will sit at a lower level and the drive way will steepen in gradient in front of the double garage doors.
- 4.5 The proposed site is adequately screened with boundary walls, which vary between 1.6m and 2.1m in height, and by the remaining landscaping. This reduces any impact on the privacy of neighbour's. The nearest property will be located approximately 17m away from the proposed development.
- 4.6 The overshadowing diagram shows some overshadowing will be caused to the east of the site; however this will not be of any significant impact to the neighbouring properties as the existing boundary walls and landscaping currently result in some overshadowing of the site and rear garden areas of the neighbouring properties.

### History

- 4.7 A previous application (0501/H/19) was submitted for the erection of a two-storey extension to the existing house and the erection of a double garage. The application was withdrawn due to a number of objection comments. The proposal was reconsidered and re-submitted. The current proposal is now only for a smaller double garage with ancillary accommodation. The proposed double garage has been revised and significantly reduced in scale and mass. The height has been reduced from 6.600m to 5.445m and the previously proposed external staircase has been incorporated into the internal layout to again reduce the mass, the impact on overlooking and the privacy of neighbour's.

## 5. REPRESENTATIONS

- 5.1 5 representations were received.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"><li>• Use and scale of development,</li><li>• Noise from construction works,</li><li>• Loss of privacy,</li><li>• Loss of visual amenity,</li></ul>	<ul style="list-style-type: none"><li>• A condition will be attached to the decision notice restricting the use of the development. The garage is of a large scale, however is located within a large plot.</li><li>• A condition can be imposed to ensure noisy construction work is carried out between specific hours to reduce any noise impact where possible.</li><li>• The proposed dormer window was revised to reduce any impact on privacy.</li><li>• The proposed site is adequately screened and the development will be well hidden behind the</li></ul>

<ul style="list-style-type: none"> <li>• Flooding and drainage,</li> <li>• Loss of landscaping,</li> <li>• Loss of natural lighting &amp; overshadowing.</li> </ul>	<p>existing property and will not significantly impact the visual amenity.</p> <ul style="list-style-type: none"> <li>• Drainage will be dealt with as part of the building warrant submission.</li> <li>• Landscaping was removed prior to the proposal being submitted in which no trees were protected by a TPO and plenty of landscaping still remains on site.</li> <li>• The overshadowing diagram demonstrates that the proposed development will not be of any detrimental effect with regards to overshadowing of any neighbouring properties.</li> </ul>
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## 6. CONSULTATIONS

6.1 No consultations were required to be undertaken.

## 7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.

7.3 The relevant development plan policies are listed below:

Plan	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018)  Design Principles (DES1)	This policy states that development proposals are required to integrate with their local context. Development proposals should have no significant adverse impact on adjacent buildings.	The proposed development is located within a larger site which is well screened and therefore the proposed development will not have a detrimental impact on the visual amenity or the privacy of neighbours. The proposed development will not significantly overshadow or directly overlook any neighbouring properties. The works will appear ancillary and will have no adverse impact on the existing house.	Yes

7.4 This proposal also complies with the council's House Extension and Alteration Design Guidelines 2015.

## 8. CONCLUSION AND RECOMMENDATION

- 8.1 A condition will be attached to ensure that the proposed use of the development remains ancillary to the existing house and is used for domestic purposes only. Therefore, the proposed development will remain ancillary to the existing house in perpetuity through the use of the conditions which are attached to this report.
- 8.2 An overshadowing diagram demonstrates that the proposed works will not overshadow any neighbouring properties to a significant extent and will only overshadow the applicants own house during certain times of the day. The diagram also shows that the existing boundary walls and landscaping currently overshadows the site and areas of the neighbouring properties. Therefore, any additional over shadowing which is caused by the development will not significantly impact the neighbouring properties.
- 8.3 Although this planning application proposes a large building, the works will be located within a large plot which will still allow for usable garden ground. The proposed development will be sufficiently screened with landscaping and existing boundary walls which will allow for the current visual and residential amenity to be maintained.
- 8.4 The proposal adheres to West Lothian Local Development Plan's Design Principles (DES1) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines.
- 8.5 It is recommended that this application is granted planning permission, subject to conditions.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

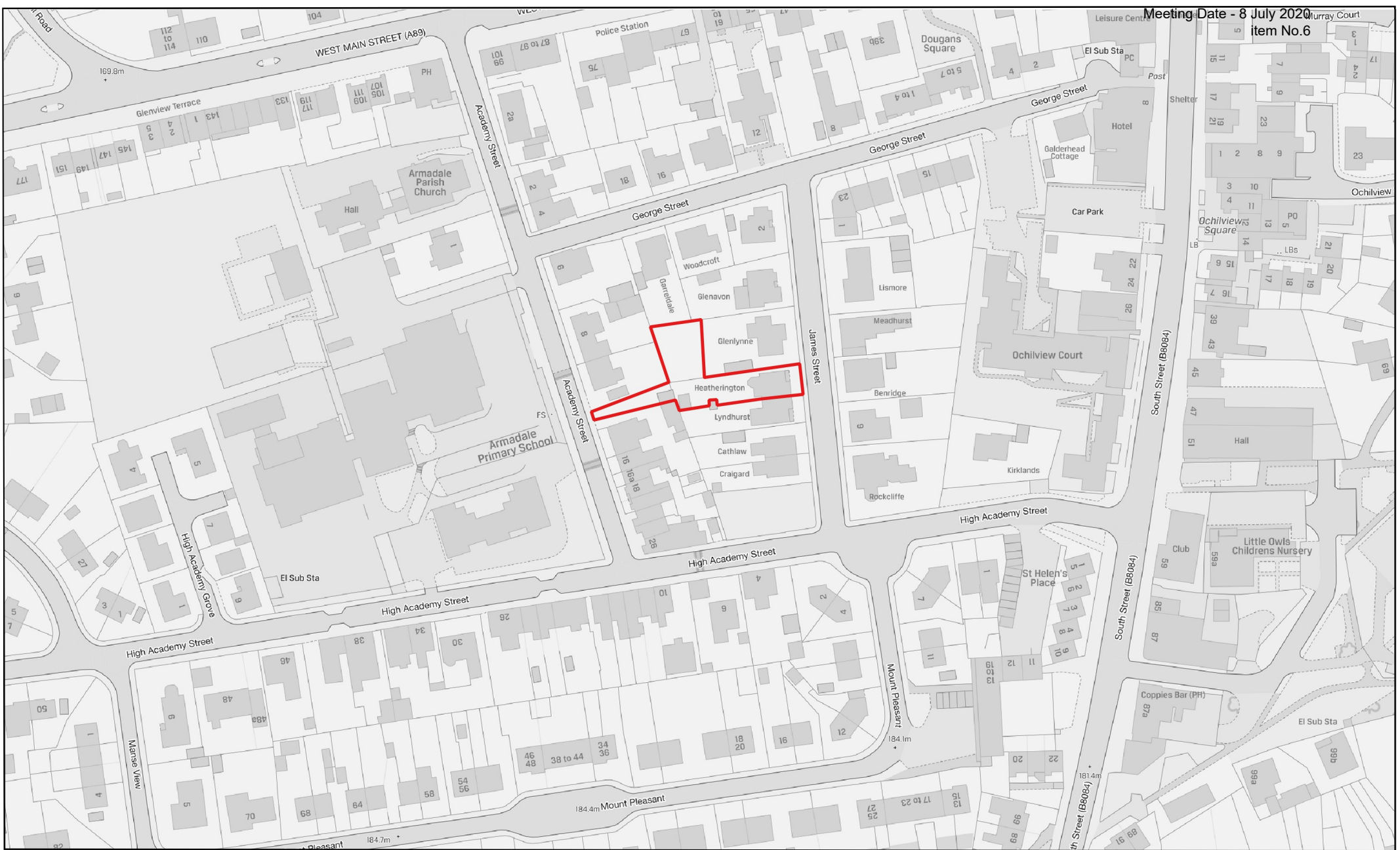
- Location Plan
- Representations
- Member Referral Form
- Draft Conditions and Reasons

(Plans and Site Photographs are available in the accompanying slide presentation pack.)

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

**Date: 8 July 2020**

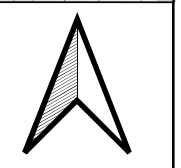




1077/H/19 - Hetherington 10 James Street Armadale - EH48 3JG

Development Management - West Lothian Civic Centre - EH54 6FF

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# Comments for Planning Application 1077/H/19

## Application Summary

Application Number: 1077/H/19

Address: Hetherington 10 James Street Armadale West Lothian EH48 3JG

Proposal: Erection of a double garage

Case Officer: Rachael Lyall

## Customer Details

Name: Mr chris doyle

Address: Woodcroft George Street, Armadale Bathgate

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Happy the staircase has been incorporated into the inside. However is still believe the actual use above the garage is not storage and will be used as some sort of living space or entertainment space.

W.L.C.

22 NOV 2019

P&amp;ED Support Services

F.A.O. Rachael Lyall, Planning Department, West Lothian Council

1077/H/19 | Erection of double garage | Hetherington 10 James Street Armadale Bathgate West Lothian EH48 3JG

I refer to my previous correspondence with the Planning Enforcement Team Ref: ENF/0180/19 and regarding the original planning application (0501/H/19), which was withdrawn following a storm of protest from the neighbours.

This is an entirely new building on a completely separate plot accessed from Academy Street. It is nearly twenty five metres away from Mr McDonald's house in James Street on ground that was previously next-door's back garden and separated from Hetherington by a line of tall cypress trees.

The '*Double Garage*' referred to in the title of this application accounts for only 25% of the floor space this development will provide.

Whatever the stated intended use of this development, the plans that I have seen show clear potential for conversion to a dwelling house at some point in the future.

I have examined the plan, visited the site and spoken to Mr McDonald. My neighbours have expressed their various concerns to me mostly centred around **noise, loss of privacy and damage to the environment**.

*I have no issue with Mr McDonald or his family, they seem really nice people, but I do think that in this instance they have been blinkered by their own desires and have ignored the shared interests of the wider community deeply upsetting their neighbours.*

On reflection I feel I must oppose this application on the grounds that:-

This proposal would unacceptably affect the amenity and existing use of land which ought to be protected in the public interest for the following reasons.



## Amenity

James Street, George Street, Academy Street and High Academy Street form a rough rectangle of houses. It is a quiet area of mature housing, essentially unchanged since the area was developed between 1890 and the 1930s.

The space enclosed is overlooked to some extent by all the houses and for many years have provided them with an open green and pleasant outlook. The trees and shrubs in each other's gardens **providing environmental value and amenity to all the residents.**

Privacy has been maintained by the usual assortment of walls, fences and vegetation, in most cases you would have to stand on a ladder to see from one garden into the next.

## Loss of privacy

- a principal objection from myself and those neighbours that I have spoken to is the loss of privacy, especially if he is allowed to build a second story on his 'garage' with windows facing north.
- A person standing at the upper, North facing window will have a four metres high grandstand view into the gardens and rear (bedroom) windows of all the properties to the north, east and west.
- The properties most affected will be Glenlynne, Glenavon, Woodcroft, Garreldale and numbers 8 & 10 Academy Street
- Also, not shown on the North Elevation plan but visible on the Ground Floor and the Site plans is an access door for the upper story at the eastern end - anyone using that door will look directly in to the garden and rear of Garreldale and Woodcroft. The simple presence of this building will destroy the seclusion these houses have enjoyed since they were built
- the mature trees and shrubs and climbing plants which made an important contribution to the visual amenity of the area and provided an impenetrable screen between the houses for many years have been removed from his side of the boundary wall leaving gaps which will be difficult to fill
- the trees on the Garreldale side of the boundary wall shown on the site plan are mostly dead tree trunks clothed with ivy, clematis and honeysuckle and are likely to collapse soon now that the sheltering trees on the Glenlynne side have been removed.

## Security

- the removal of the trees and undergrowth and the demolition of the former boundary wall of Glenlynne has opened up a new and easy access for intruders particularly to Glenavon and Garreldale

## Noise

- There will be increased vehicle noise
- There will be considerable noise from the proposed workshop in which it is intended to manufacture furniture and stained-glass windows. The **noise from woodworking machinery** in his current workshop is **already a repeated source of annoyance** to the neighbourhood in what is otherwise a normally quiet area.

Surely this project should be subject to the same soundproofing constraints as other DIY workshops built in a residential area like the **Armadaled Shed** just along the road in South Street.

## Environmental impact

The impact of placing a house-sized building in the middle of a previously green space cannot be overstated, the sun shadow alone will be a major loss of amenity to those living to the north, east and west.

The plot of land on which Mr McDonald proposes to build his 'Garage' was until recently the rear half of his next-door neighbour's garden.

The area was somewhat overgrown but none the worse for that; a haven for the birds and regularly visited by toads, squirrels and hedgehogs.

There is no evidence that a wildlife survey was done, but regardless of it being the peak nesting season Mr McDonald has already cut down and removed a line of mature Sycamore trees and most of the large shrubs, climbing plants and undergrowth that were growing along the boundary wall. We have not seen the Fox that regularly triggered our security lights since this was done.

## Regarding flood risk

We are built on a hillside sloping down from the Armadale 'Moss' and there were considerable groundwater problems in the past, this was addressed effectively by installing field drains directing the water between the houses and into the public drainage system.

During storm conditions, water runs in torrents down James Street and Academy Street overtopping the drains themselves. The rain falling on the gardens is softened by the vegetation, soaks into the ground and is conducted away by the aforesaid drains.

Mr McDonald's project will require the paving/building over of an area in excess of 350 square metres. As far as I can see no provision has been made to handle the storm runoff to prevent its seeping in to the gardens downhill from him or threatening the boundary wall.

## Design and layout

- At 5.5 metres the building will be as tall as most of the houses on Academy Street and with a ground plan of 7.5 x 11.3 metres it will be as large as some.
- Regarding the location of the building some forty metres from the road, I foresee potential problems for the Emergency Services should there ever be a fire or an accident. Given that the avowed use of this building is as a garage and workshop there will be plenty of volatile and flammable materials stored there and wood machining is a famously dangerous occupation so this should also be considered.
- The upper floor ( labelled '*Attic Storage*' on the plans ) is initially to be one large room and has been variously described to and by the neighbours as a workshop, a gym or a rehearsal space for Mr McDonald Junior to play his music and practice his guitar and as 'a great party venue'. Any or all of these could result in noise nuisance for the neighbours.
- The separate entrance to the upper floor at the back of the building will facilitate the easy conversion to a self-contained flat
- The floor level of the proposed 'garage' is on ground that is approximately two metres below the level of his access drive which is less than nine metres away from the garage door requiring a downward slope towards the door of 22 - 25% making entry and exit dangerous, if not impossible during bad weather with snow and ice.

A far more practical location for a garage would surely be where the existing garage is now, at the end of the access drive and at the back of his Hetherington garden - all on one level.

\* \* \* \* \*

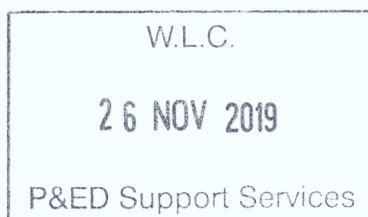


In over thirty years of residence here I have never felt the need to intervene on a planning issue but the nature of this project and the reaction of my neighbours over the loss of amenity these houses have shared for nearly a hundred years have prompted me to write.

*I trust that these representations will help you and the rest of the planning team to reach a just and equitable decision and that the Council will take steps to mitigate the damage that has already been done.*

Eddie Gabbott  
Garreldale  
George Street  
Armadale  
West Lothian  
EH48 3JQ

20th November 2019



Glenavon  
2b James Street  
Armadale  
West Lothian  
EH48 2GJ  
22<sup>ND</sup> November 19

Rachael Lyall  
Planning Department  
West Lothian Council  
Civic Centre  
Livingston  
EH54 6FF

*Rachael*  
*1077/H/19*

Dear Sir/Madam,

**Proposed Garage at Hetherington, 10 James Street, Armadale.**

**Planning Application : 0501/H/19 - 1077/H19**

Further to previous correspondence from Purdie MacLean Solicitors, sent on our behalf and our subsequent conversations with Mr Cochrane, we put in writing our formal objection to the above noted planning application.

Our objections are set out as follows:

It should be noted that Mr McDonald cleared the site of all trees, bushes and shrubbery prior to the submission of the application. The site was previously a tended garden area, which provided environmental benefits to the area.

We have resided in our property for over 30 years with a natural boundary and wall which provide residents privacy. The clearing of the trees and shrubbery which provided a significant degree of privacy between our property and the residents of Academy Street, James Street and George Street has now been completely violated. Please see attached supportive photographs.

The footprint of the garage/workshop/studio building will contravene and impact on the area and result in a complete breach of any remaining privacy that we have left since the site was cleared.

The proposed building will be the size of a moderate house, with four vehicle parking. Due to the elevation of the land, the effective height of the wall from the side of the proposed build will be lower and two of the windows will clearly overlook our property, further reducing privacy.



The proposed footprint of the building will be within close proximity of the boundary wall.

Mr McDonald advised that the upper apartment would house a gym/music studio for his teenage children. Our neighbours have conflicting information from Mr McDonald who suggested we understand the upper floor would be used solely for storage for a stained glass window he will be constructing in the garage/workshop below? Whatever the actual intended use it seems certain that there will be a significant increase in noise affecting residents across James Street, George Street and Academy Street.

In Mr McDonald's own words he further suggested that in the future he may seek to apply to turn the proposed build into flats/ housing.

Further discussion with Mr McDonald have unearthed the fact that the proposed ground floor will house his workshop, inclusive of commercial woodwork machinery for the purpose of making furniture, doors, stain glass windows etc. We would conclude that this is not therefore a private workshop but one intended for commercial use. We would highlight that at this time when Mr McDonald uses his sanding machine for example in his current garage/workshop it disturbs the ambience of the residential area. Turning the proposed build into a commercial unit which he proposes to be relocate significantly closer to the boundary wall would result in increased noise pollution a complete change in the ambience of the area and preventing our enjoyment of our own rear garden.

It is interesting to note that site has been cleared pre planning in such a manner as to ensure that the only trees and shrubbery that remain., offer a buffer from the proposed build only to Mr McDonalds own home.

As gleaned from the plans themselves and in discussion, there will also be a greatly increased level of vehicle activity using the lane from Academy Street, which will only serve to increase the damage to the environment and also hold serious health and safety issues for residents and school pupils attending the adjacent primary school.

The aging water and sewerage pipework is unlikely to cope with any additional demand from the extension to the property. We have already experienced significant sewerage blockages and some flooding which may only increase due to the clearing of the site. From the plans Mr McDonald's project will require paving and building over an area of 350sq meters. As far as we can see no provision has been made to handle the threat of storm run off or to prevent its seeping into the gardens downhill and threatening any existing boundary walls.

We have noticed from the time that the site was cleared that there has already been a significant change to the environment and wildlife. There has been a huge reduction in the number of the birds and small animal wildlife which would normally at this time of year be in abundance.

The majority of residents who will be impacted by this proposed build are either retired or reside at home for the majority of the day, enjoying their gardens. The noise and disturbance which will follow from the proposed build will therefore greatly affect the many not the few.

Finally in addition to the points stated above, the proposed property will not only impose on the majority of the residents of James Street, George Street and Academy Street, but there is a real concern that the future use of the build will either be as we are concerned a commercial unit or sold off as flats of a single dwelling house.

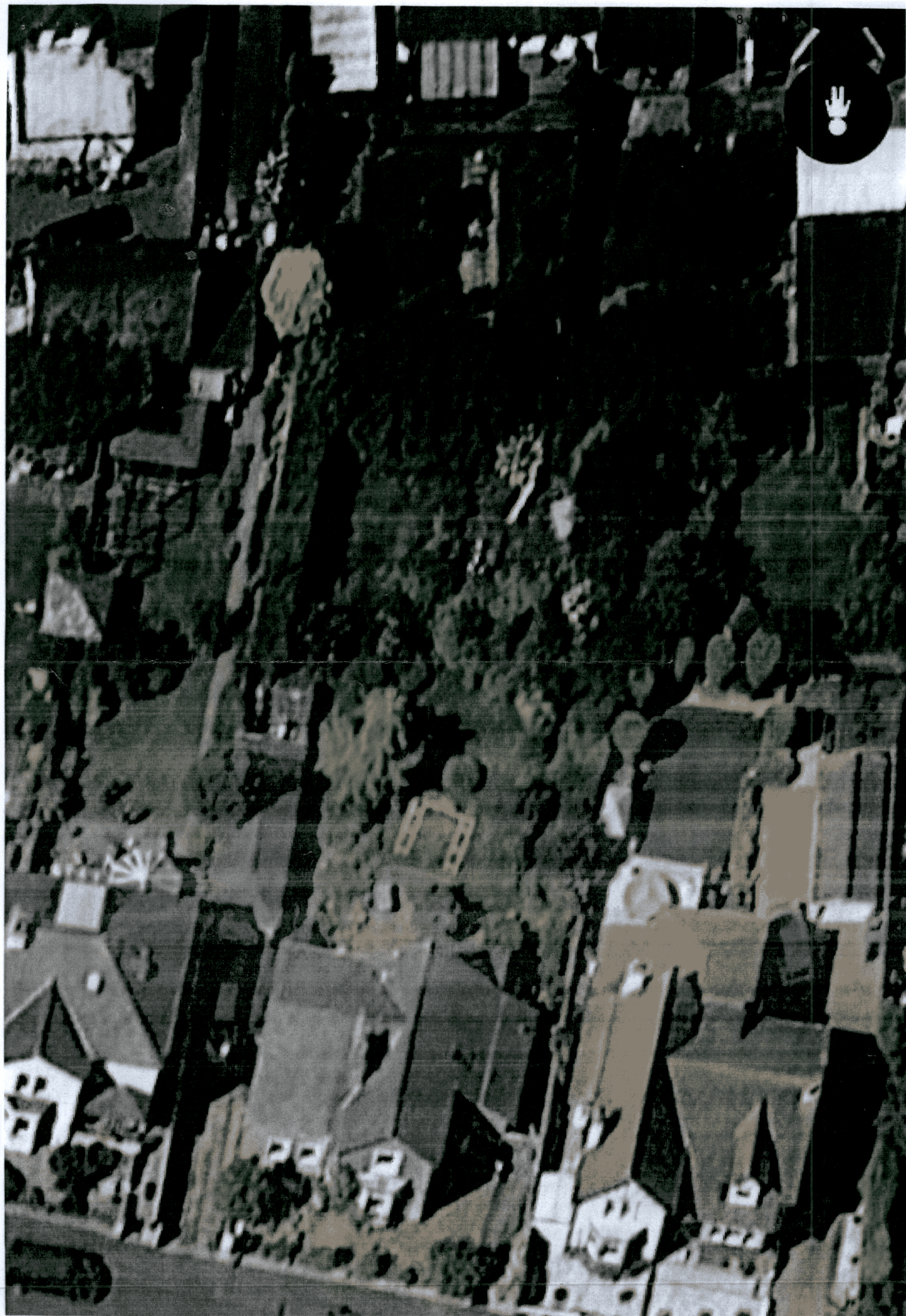
I look forward to receiving your acknowledgement of our objections and confirmation that they have been appropriately lodged against this proposed planning application.

Yours sincerely,

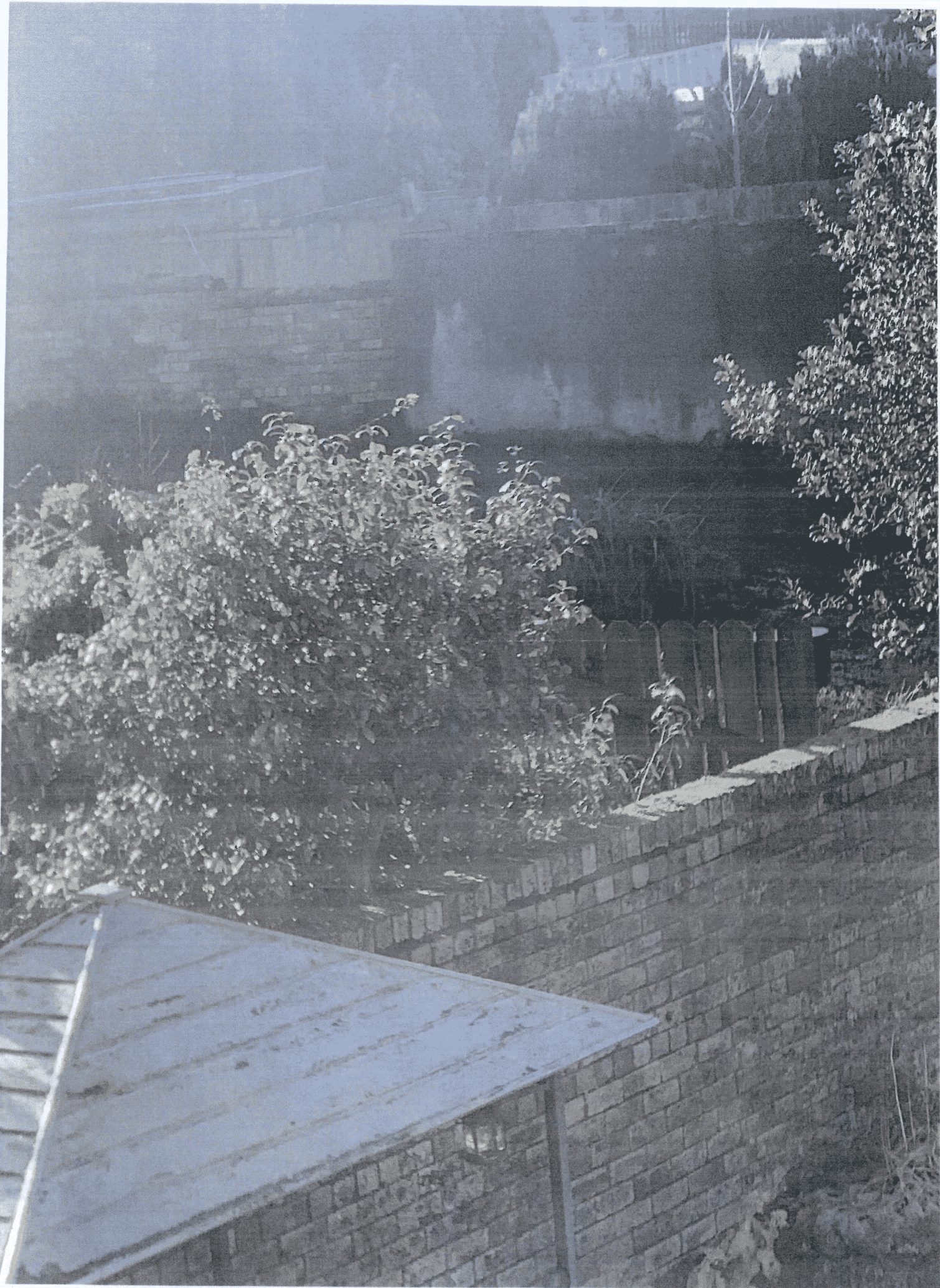


Mr & Mrs W J Spence











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We are writing regarding the above planning application for a double garage in the garden of Glenlyne in James Street.

Our objections are as follows:

The garage is approximately 1.8 m from the boundary at the bottom of our garden. The height of the garage and the proximity to our garden will reduce the amount of light in our garden and our conservatory/dining area and is likely to lead to overshadowing at certain times of the day. If the planning application is approved the view from our conservatory will be the gable end of the garage which is 7.41 m wide and almost 5.445 m high.

We are also concerned about possible drainage problems when the land is concreted over to accommodate the garage and parking area.

Mr and Mrs McCabe  
Fernlea  
12 Academy Street (shown as number 10 in the drawings)

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## Proposal description : Double garage

We understand that planning permission is required for the proposed garage as it falls outwith the limitations of **‘permitted development’**. The garage fails to meet the conditions of permitted development due to the fact that the building is over 4 metres high. The guidelines also state that the eaves of a building must be no greater than 3 metres and in this case they are over 3.147 metres.

## Objections in relation to the 2 storey garage (material considerations)

- The garage is 5.445 metres high and is located approximately 2 metres from the boundary of 5 neighbouring properties. The size and

location of the proposed garage is likely to cause overshadowing/loss of light to these properties.

- Plans for the proposed garage has resulted in the removal of trees, hedges, shrubs and grass in the garden at Glenlyne. Replacing a mature garden with concrete is likely to have an impact on wildlife and will prevent rain from seeping into the soil naturally to reach the water table. This run-off is likely to have an impact on neighbouring properties.

Lynn McCabe and Andrew Allan

Lyndhurst, James Street, Armadale

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**From:** Borrowman, Stuart (Councillor)

**Sent:** 28 March 2020 09:11

**To:**

**Cc:**

**Subject:** Re: Development Management - Weekly list of proposed delegated planning decisions -

A constituent has asked me to refer 1077/H/19 to DM committee.

I'll do the form when I can.

Stuart



Development Management

## WEEKLY LIST OF APPLICATIONS RECEIVED

### ☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

*Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Wendy McCorriston, Development Management Manager, as soon as possible and no later than:*

**PLEASE NOTE:**

*The planning application details will also be available for inspection within the Planning & Building Standards web site by clicking on the link below.*

<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

<b>Action Required</b> (please tick ✓)  <input type="checkbox"/> <b>Contact me to discuss these proposals</b>	<b>Application Number</b>  1077/H/19.....
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<p><b>X</b> Refer this application to the</p> <p style="text-align: center;"><b>Development Management Committee</b></p> <p><input type="checkbox"/> Other (please specify)</p>	<p><b>Member</b></p> <p><b>Cllr Borrowman.....</b></p> <p><b>Signed</b></p> <p>.....</p> <p><b>Dated</b></p> <p><b>29 May 20.....</b></p>
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**My reasons for this action are: At constituent request and confirming my earlier email**

# Draft Justification and Conditions

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

The proposal accords 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 garage and accommodation hereby approved shall be ancillary to the main house and used solely for purposes incidental to the enjoyment of the main house. The accommodation shall not be used for commercial or business purposes and shall not be sold, rented or otherwise disposed of separately from the main house.

Reason: To ensure that the property is not sold or let separately, in the interest of residential amenity.

(2) All proposed windows within the North elevation of the extension hereby approved shall be fitted with opaque glazing, to be retained in perpetuity unless otherwise agreed in writing with the planning authority.

Reason: In the interests of privacy of neighbouring residents.