



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

- 1.1 Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary wall at Winnock, Burnside Road, Bathgate.

2 DETAILS

Reference no.	0902/H/20	Owner of site	Mr & Mrs S Anderson
Applicant		Ward & local members	Bathgate Councillor Charles Kennedy Councillor Willie Boyle Councillor Harry Cartmill Councillor John McGinty
Case officer	Kirsty Hope	Contact details	01506 282 413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: **Referred by Councillor Harry Cartmill.**

3 RECOMMENDATION

- 3.1 Grant Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND
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- 4.1 This application seeks planning permission for the formation of 3 dormer extensions (two located on the front and one located on the rear roof plane), the installation of garage doors, as well as an external raised terrace and erection of a 3m high boundary wall. A second boundary wall, running north-south along the driveway, has been deleted from the proposals.

History

- 4.2.1 LIVE/0936/H/96 - Installation of pitched roof on flat roofed house was granted planning permission on 19 November 1996.
- 4.2.2 LIVE/0654/H/98 - Demolition of conservatory and extension to house to form swimming pool was granted planning permission on 1 September 1998.

- 4.2.3 0256/H/19 - Erection of a fence (in retrospect) was granted planning permission on 10 June 2019.
- 4.2.4 0716/H/19 - Erection of a retaining wall and fence (in retrospect) was granted planning permission on 3 December 2020.

Relevant Burnside Cottage planning history –

- 4.2.5 0297/H/19 - Conversion of garage to form ancillary accommodation was granted planning permission on 28 May 2019.
- 4.2.6 1091/H/19 - Conversion of garage to form ancillary residential accommodation was granted planning permission on 6 January 2020.
- 4.2.7 1027/H/17 - Raising of ridge height at front of house to form first floor accommodation was granted planning permission on 14 February 2018

5. REPRESENTATIONS

- 5.1 Three objections in total were received for this application. The full documents are contained in the application file.
- 5.2 A summary of representations is located in the table below.

Comments	Response
Privacy concerns from the proposed front dormer windows	The agent has provided a plan 20/050/PL02-i that demonstrates the proposal complies with the guidance on privacy distances and angles set out in the House Extension and Alteration Design Guide, 2020.
Applicants' property only has an entitlement to a right of access over the land to their parking area	Right of access is not a material planning consideration – this is a legal matter between the properties involved.
Neighbours do not agree to any construction on the north boundary wall - including the garage door proposed	Ownership of a boundary wall is a private legal matter. The proposed garage door is permitted development.
Neighbouring annex is not included in the plans	The site plans provided by the applicant do not need to include developments that have been previously approved outwith the site boundary. The neighbouring garage has not yet been converted, however, it is shown in outline on the block plan.

Comments	Response
Ongoing court action on boundary dispute	This is a private legal matter. This does not mean this application cannot be assess or indeed determined.
Detrimental impact on neighbouring property amenity	The proposal is not considered to be detrimental to the neighbouring property – see further assessment below.
Boundary outline is inaccurate	Although a legal matter, this was raised with the applicant and a revised location plan was received from the agent.

6. CONSULTATIONS

6.1 No consultations were required to be undertaken.

7. PLANNING POLICY 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](#)

7.3 The relevant development plan policies are listed below:

Plan	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Policy DES 1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on adjacent properties in terms of amenity.	The proposals respect the character of the local area. The proposals integrate well with the existing property in terms of scale and design and will not significantly impact the visual or residential amenity of neighbouring residents or the surrounding area.	Yes

- 7.4 Also of relevance is the council's Planning Guidance - House Extension and Alteration Design Guide, 2020.

8. ASSESSMENT

Design and Materials

- 8.1 The proposed dormer extensions are proportionate to the existing roof plane as they do not dominate the existing property in terms of scale and appearance. They are mostly glazed in appearance and the proportions of the windows are similar in scale to the existing house.
- 8.2 The proposed raised terrace is sympathetic to the existing dwelling and appears to be mainly glazed. Whilst it is noted that the external materials are not annotated on the submitted plans this shall be conditioned to ensure the materials match the existing dwelling where possible.
- 8.3 The proposed 3m boundary wall would continue an existing wall on the boundary that is attached to the southwest corner of the existing dwelling and in this location is appropriate in scale and design. The plans have been revised to omit details of an additional boundary wall along the driveway.
- 8.4 The proposed garage doors replace an existing window on the front elevation and one of the garage doors is proposed on the existing gable elevation. The garage doors would be permitted development on their own and this part of the development could be carried out without the benefit of planning permission.

Privacy and Overlooking

- 8.5 The neighbouring property Burnside Cottage currently has no windows on the existing garage nor on the rear elevation directly facing onto Winnock. However, there has been a previous planning application (reference 1027/H/17) that was approved to install windows on the rear elevation of Burnside Cottage. This permission was due to lapse on 14 February 2021, however due to the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020, the expiry of this permission is 30 September 2021. There was also planning permission granted to convert the garage at Burnside Cottage to form a habitable space (reference 1091/H/19). For this reason, the agent has submitted a plan indicating the approximate distances and angles to these window openings to ensure the proposed development does not cause any privacy/overlooking concerns.
- 8.6 The proposed plans demonstrate that the dormer extension windows comply with the guidance set out on page 4 of the Planning Guidance - House Extension and Alterations Design Guide, 2020 on distance to habitable windows.
- 8.7 Whilst the raised terrace is in an elevated position it does not directly overlook any neighbouring properties given its orientation and distance to neighbouring property boundaries.
- 8.8 Therefore, there are no privacy or overlooking concerns with regards to the proposals.

Sunlight/Daylighting and Overshadowing

- 8.9 The proposals will not cause any loss of sunlight/daylight for neighbouring properties. The proposed dormer extensions are set well within the existing roof plane and the ridge height is not exceeded. The terrace will not cause any overshadowing issues.

Garden Ground/Amenity

- 8.10 The private garden ground for this proposal will remain as existing with the additional outdoor amenity space being created by the proposed raised terrace.

Parking

- 8.11 Parking will remain unaffected by the proposals.

9. CONCLUSION AND RECOMMENDATION

- 9.1 This proposal complies with policy DES 1 (Design Principles) of the WLC Local Development Plan, 2018 as well as the appropriate guidance in the council's House Extension and Alteration Design Guide, 2020.
- 9.2 It is therefore recommended that this application is granted planning permission.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Proposed Block Plan
- Representations
- Local Member Referral Form

Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 17.02.2021.

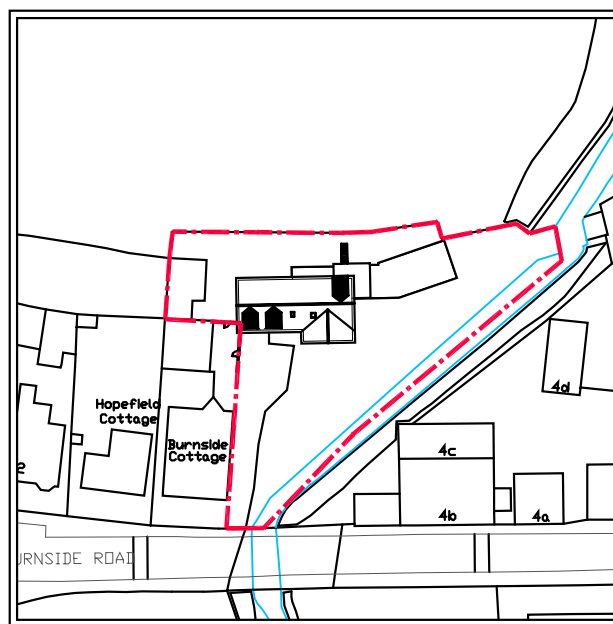
Draft Conditions and Reasons/Advisory Notes – Application 0902/H/20

West Lothian Local Development Plan, 2018 and the requirements of the council's House Extension and Alteration Design Guide, 2020 and are therefore acceptable.

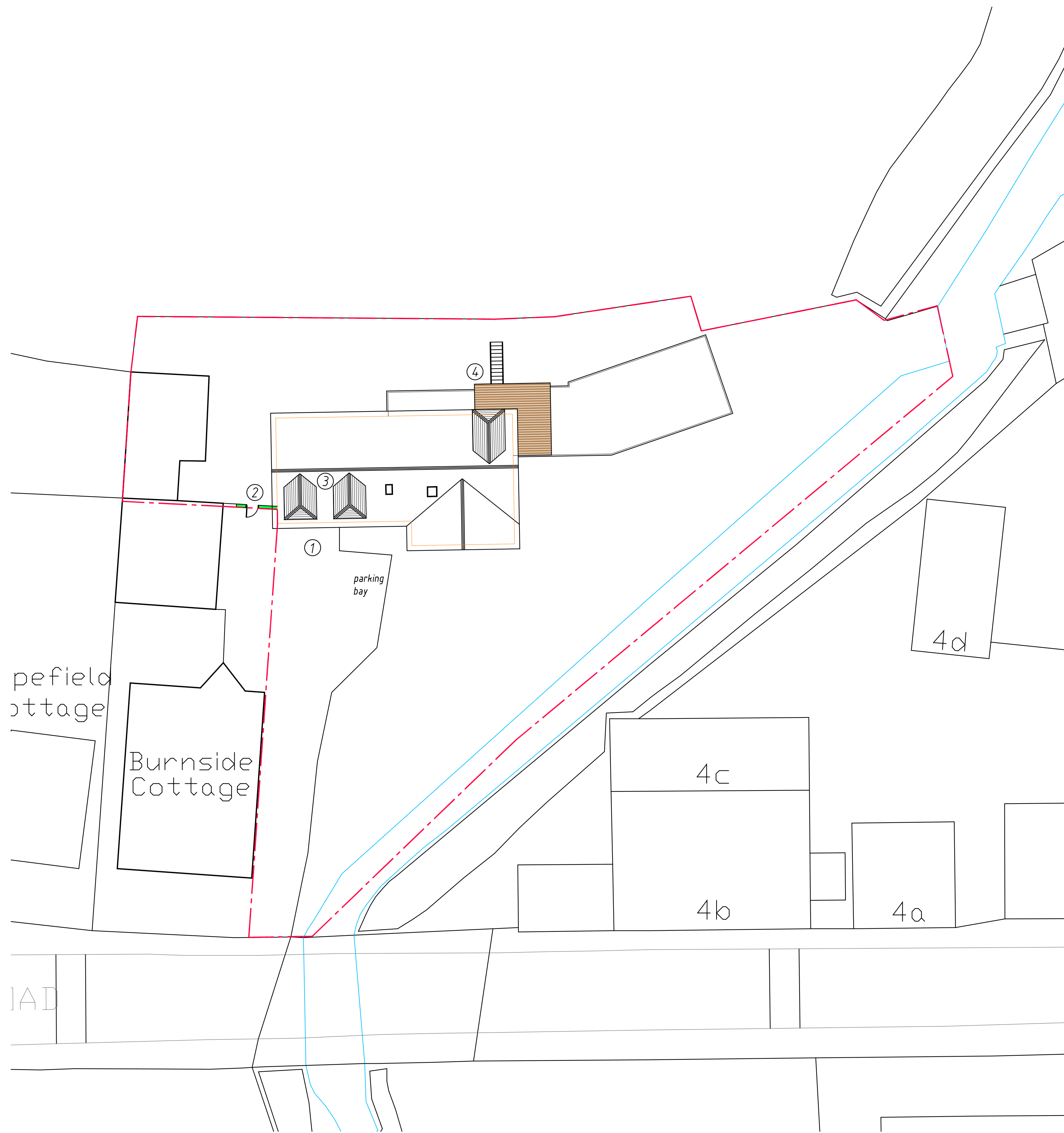
This permission is granted subject to the following condition: -

1. No works shall start on site until the details of the external materials to be used for the dormer extensions, garage doors, raised terrace and boundary wall have been submitted to and approved in writing by the planning authority. The development shall be implemented in accordance with the details that are approved.

Reason: In the interests of visual and environmental amenity.

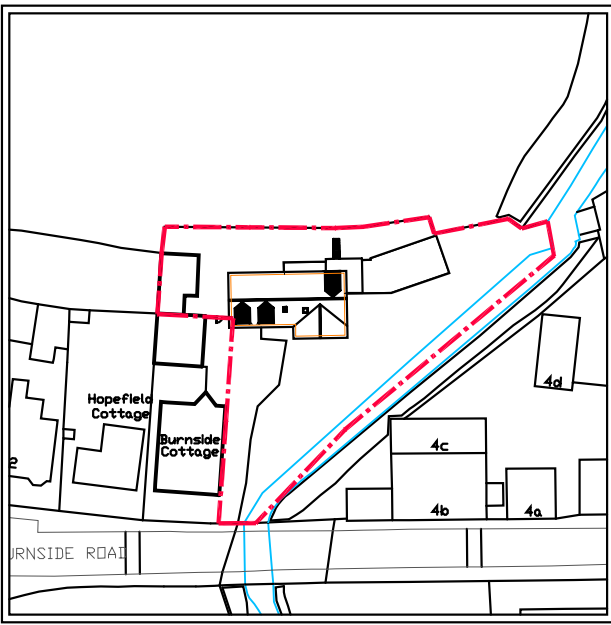


Location Plan 1:1250

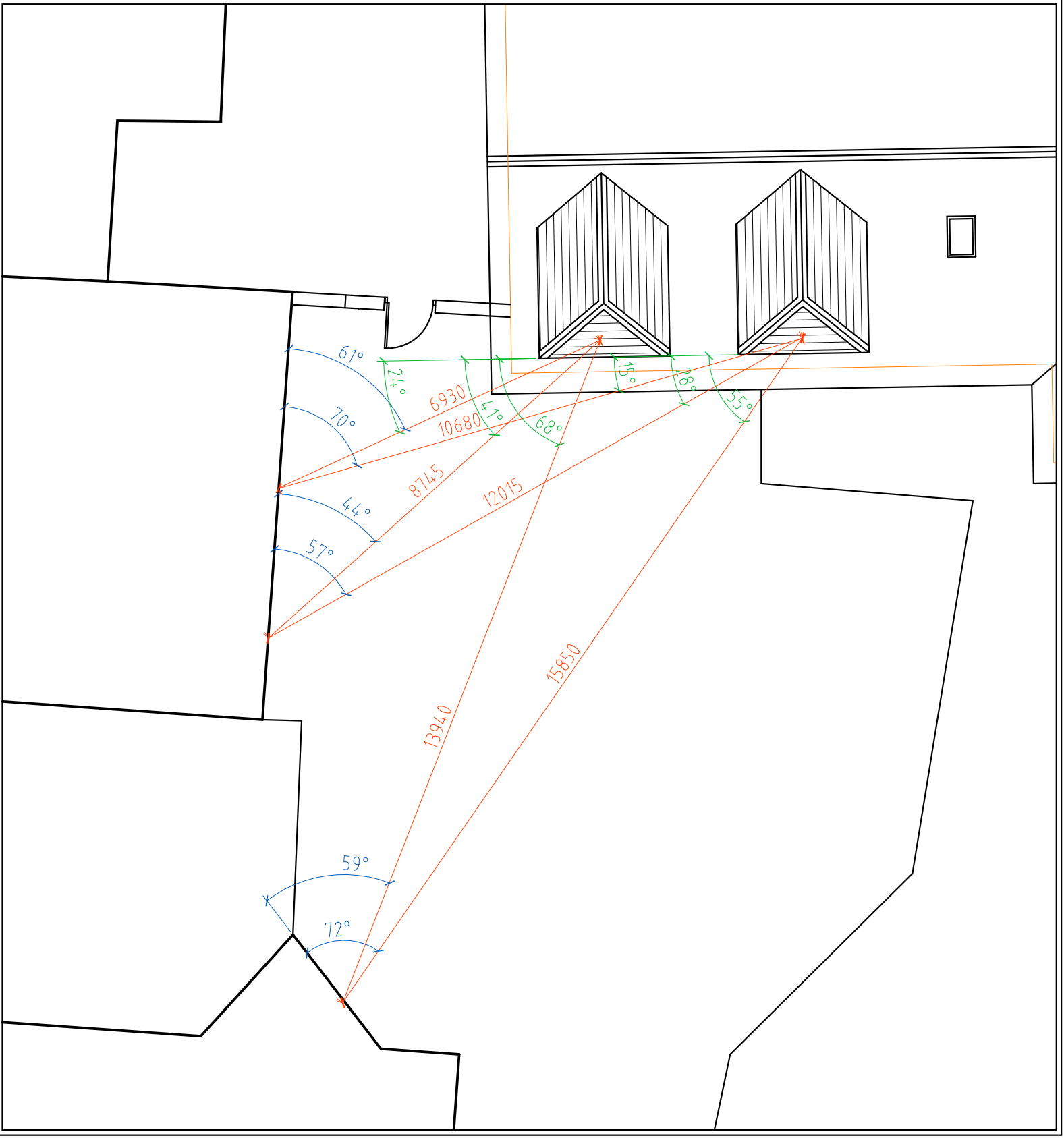


Block Plan 1:200

- SCHEDULE OF PROPOSALS:
1. Formation of new garage doors on South and West facing elevations, allowing vehicle access to existing garage area.
 2. Construction of 3m high masonry wall adjacent to garage (shaded green), with pedestrian access door.
 3. Construction of dormer windows on South facing roof.
 4. Construction of dormer on North facing roof, with raised terrace, partially over existing flat roof.



Location Plan 1:1250



Window Distances 1:100

title: Block & Location Plan	
client: Mr & Mrs S Anderson	
project: Proposed alterations to house Winnock Burnside Road Bathgate	
scale: as noted @ A1	date: Jan 21
drawing number: 20/050/PL02-i	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD	
tel: 01506 639979 email: mh@hardie@hardie-associates.co.uk copyright : Hardie Associates Ltd.	

Comments for Planning Application 0902/H/20

Application Summary

Application Number: 0902/H/20

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Formation of 3 dormers, raised platform, external stair and installation of garage doors and erection of 3m high boundary walls

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Mark Flockhart

Address: Burnside cottage Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Mr Flockhart would like to object to the Windows on the south facing of the roof as Winnock is a elevated property and would give direct privacy issue into our rear and front windows This is to close to our property with direct facing bedroom windows less than 38 Meters away .as they wold look straight into our private court yard

We also only allow the property a right of Access into there parking area through our gates And own the north boundary wall and do not agree to anything construction on this wall what so ever

I would not have a problem regarding the north elevation But definitely object to the garage doors and any work on our north wall

Comments for Planning Application 0902/H/20

Application Summary

Application Number: 0902/H/20

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls

Case Officer: Kirsty Hope

Customer Details

Name: Mr Robert Flockhart senior

Address: Burnside cottage Annex Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Mr Flockhart senior would wish to object as this is inappropriate as the applicant has failed to show that our Annex is a retirement home for myself and my wife who suffers from arthritis and we are in our late 80s

It should also be pointed out that this is not the time to be making a planning application as there is a ongoing court action on going regarding our boundary issues so now is not the time to try to apply to make changes to any land or walls

We definitely do object to this application as we are disabled and this would have a detrimental impact on our uses

Comments for Planning Application 0902/H/20

Application Summary

Application Number: 0902/H/20

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls

Case Officer: Kirsty Hope

Customer Details

Name: Mr Bruce McEwan

Address: 23 Mill Court Bathgate EH48 4JY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Hello, after looking over this application after receiving notification with being a resident at Mill Court i have noticed the boundary outline is incorrect on the online Location Plan and drawing of the site. It has been drawn up incorrect and shows the applicants boundary coming across the burn almost to the back of Mill Court- however this is not the case and should be exact as to which the Registers have it which definitely differs here- therefore it is not a true representation and as such should be amended and re-submitted so all is in order and legal. It may not look much however registering the application with the incorrect outline backing onto another property where it does not can cause other issues if used down the line and to avoid should be amended immediately. Thank you

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days and by 12 noon at the latest.

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number</p> <p>0902/H/20</p> <p>.....</p>	<p>Applicant Request..... <input type="checkbox"/></p>
<p>Site Address</p> <p>Winnock</p> <p>.....</p>	<p>Constituent Request..... <input checked="" type="checkbox"/></p>
<p>Burnside</p> <p>.....</p>	<p>Other (please specify)..... <input type="checkbox"/></p>
<p>Title of Application</p> <p>. Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls (as amended)</p> <p>.....</p>	
<p>Member's Name</p> <p>Cllr Harry Cartmill</p> <p>.....</p>	
<p>Date 25.1.2021</p> <p>.....</p>	