



Development Management

List of Delegated Decisions - 23rd April 2021

DATA LABEL: OFFICIAL

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Ref. No.:	0145/FUL/21	Recommendation:	Refuse Permission
Proposal:	Change of use from public open space to private garden ground and erection of a fence		
Address:	1 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD (Grid Ref: 303586,667545)		
Applicant:	Mr Harry Dalgliesh	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall
<u>Summary of Representations</u>			
One objection - - Loss of open space, - Impact on sight-lines for traffic.			
<u>Officers report</u>			
This planning application seeks permission for a change of use from public open space to private garden ground and the erection of a fence.			
Pre-application advice was sought for the works and the advice issued states: "It is common for areas of landscaping such as these to belong to the house owner, however they do not form part of the curtilage. Amenity landscaping such as this is purposefully included within residential areas to contribute positively to the visual amenity of an area, and prevent fences from being hard up against the pavement resulting in a more open and green appearance to housing areas. Therefore, it is unlikely that the council would support an application to erect a fence and change the use of the land to garden ground, because of the loss of open space and detrimental impact on amenity."			
The current application proposes to extend the garden ground to the side of the property and extend the boundary fence to include this area. This			

change of use would result in a loss of open space which would be detrimental to the visual amenity of the area. In addition, the proposed fence is proposed to still sit hard against the edge of a public footpath. There is no justification for the development which outweighs the need to retain the open space within the verge.

This proposal is therefore contrary to West Lothian Local Development Plan policy DES1 (Design Principles) and policy ENV21 (Protection of Formal and Informal Open Space) and the policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

Ref. No.:	0170/H/21	Recommendation:	Refuse Permission
Proposal:	Extension to house		
Address:	15 Balbardie Road, Bathgate, West Lothian, EH48 1AP(Grid Ref: 297875,668907)		
Applicant:	Mr R Murray	Type:	Local Application
Ward:	Bathgate	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Set back of works from boundary and existing manhole,
- Overall size and footprint of the proposal,
- Limited off-street parking,
- Impact on visual amenity of existing house,
- Proximity of works to neighbouring properties.

Officers report

This planning application proposes a rear extension onto the property located at 15 Balbardie Road, Bathgate.

The proposed ground floor extension is to 3.653m x 12.393m and is to measure 2.67m in overall height to the eaves of the flat roof. The rear extension is to sit on the same ground level at the existing property and will feature roof lights, fixed windows and sliding patio doors on the rear elevation which will overlook the rear of the site. The works also proposed to construct another extension on a lower ground level to the rear of the property which is to extend out from the rear elevation of the proposed ground floor extension by 2.665m and is to feature a sedum roof which sits at ground level. The lower ground floor extension will also feature fixed windows and sliding patio doors which will open out onto a patio decking.

The proposal also looks to replace the windows, cladding and roof finishes of an existing dormer extension on the rear elevation. The replacement materials for the dormer are to be a timber cladding, a grey zinc quartz cladding, fascias and soffit to match.

A previous application (0759/H/20) was refused for a two-storey extension to the house and installation of decking. The application was refused as the proposed first floor extension was not considered to be acceptable in terms of scale or design. The works would have projected significantly beyond the steeply sloping rear roof plane, which would appear over dominant in scale and would detrimentally impact on the visual amenity of both the existing dwelling and the street scene.

The current proposal has since been reduced in size and the scale and the layout of the proposed extension has been revised, so that the works fall with the ground levels rather than extend above the existing ground levels. Previously the ground level extension was acceptable, however the first-floor extension was not considered to be acceptable.

It is still the position that the proposed works are out of scale in comparison to the existing property and the significant proposed increase in footprint will result in a development which will dominate the existing property, specifically the rear extension, and will significantly impact upon the appearance and character of the existing property. It is to be noted that the existing property is located within a larger plot, however the proposed works will not appear subsidiary to the existing property.

This proposal is contrary to West Lothian Local Development Plan Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

Ref. No.:	0198/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	51 Glenmore, Whitburn, Bathgate, West Lothian, EH47 8NP (Grid Ref: 295427,664556)		
Applicant:	Mr Greig Inglis	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Rachael Lyall

Summary of Representations

One objection -
 - Impact on daylight/overshadowing,
 - Impact on privacy from decking.

Officers report

This planning application proposes the erection of a rear extension and formation of decking at 51 Glenmore, Whitburn.

The proposed rear extension is to measure 3.600m x 4.300m and is to be 3.278m in overall height from the lowest ground level to the ridgeline of the proposed hipped roof. The extension will feature windows and a door on the rear elevation which will lead out onto a raised decking.

The materials proposed for the works are to match those of the existing property.

The property currently consists of a rear decking which measures 0.900m from ground level. The proposed decking is to be the same height and will sit slightly further into the rear garden, however, the proposed decking will be of a smaller footprint in comparison to the existing decking. The proposed decking will not directly overlook any neighbouring property any more than that which is caused by the current decking.

The proposed works will also be set back from the boundary by 1m, therefore the proposed works will not overshadow any neighbouring garden or habitable room to a significant extent.

The proposed works are of an acceptable scale which will still allow for sufficient usable garden and will not significantly impact upon the visual or residential amenity any more than the current rear developments. This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0256/MSC/21	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Approval of matters specified in conditions of planning permission 0555/FUL/14 for 2 retail/commercial buildings for use classes 1, 2, 3, 4 & Sui Generis hot food takeaway with access, landscaping and associated infrastructure (variation to 0206/MSC/20)		
Address:	Land North of Rigghouse View, Heartlands, Whitburn, West Lothian (Grid Ref: 305280,667171)		
Applicant:	Mr Nathan Ward O'Brien Properties Ltd	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u> 2 Objections -Residential amenity (Noise, privacy, smells) -Traffic generation/Traffic safety - Visual impact - Hazardous materials - Loss of greenspace/Landscaping			
<u>Officers report</u> The principle of the proposed development is supported by the Heartlands outline planning permission. The approved global schematic masterplan identifies the site as being a village hub. The proposed uses (Use classes 1, 2, 3, 4 & hot food takeaway) are appropriate. This application is a revised layout from the previous planning permission recently granted (0206/MSC/20). The applicant has satisfactorily demonstrated that the site can be safely developed in terms of traffic impact, ground contamination and drainage. The site is adjacent to residential properties and any impacts on residential amenity can be mitigated through planning conditions, as imposed on permission 0206/MSC/20 covering noise, lighting and ventilation. Therefore, it is recommended that the application be approved.			



Development Management

List of Delegated Decisions - 30th April 2021

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Ref. No.:	0090/H/21	Recommendation:	Refuse Permission
Proposal:	Replacement of roof and alterations to driveway		
Address:	38 Manse Road, Linlithgow, West Lothian, EH49 6AR, (Grid Ref: 300441,676603)		
Applicant:	Mr Peter Kenny	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall
<u>Summary of Representations</u>			
N/A			
<u>Officers report</u>			
<p>This planning application proposes roof alterations and the formation of a driveway at 38 Manse Road, Linlithgow. It is to be noted that the front of the site is located within a conservation area, however the rear of the site is not.</p>			
<p>The proposed works look to form two dormer windows on the front elevation and one dormer on the rear elevation. The works also look to form a small single storey extension to the rear of the property.</p>			
<p>The proposed works also look to change the location of a driveway to the northern end of the plot and then look to close off the existing driveway. The property is a 4 bedroom house and therefore requires at least 2 off-street parking spaces.</p>			
<p>It is considered that the proposed front dormer extensions will dominate the roof space of the property. In addition, the existing property features a shallow roof pitch and the proposed dormers to the front are not set down from the ridgeline of the existing property or set back from the eaves and as a result, the proposed dormers will appear out of proportion and scale on the front elevation, significantly impact upon the visual amenity of the existing property, streetscene and conservation area.</p>			
<p>This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) and ENV24 (Conservation Areas) Policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.</p>			

Ref. No.:	0117/H/21	Recommendation:	Grant Planning Permission Item No.7
Proposal:	Erection of garden room		
Address:	Glencairn, 5 Forkneuk Road, Uphall, West Lothian, EH52 6BL (Grid Ref: 305510,671648)		
Applicant:	Mr Ross Iwaniec Urban Pods	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Existing boundary fence shown incorrectly on plans,
- Impact on natural light/overshadowing,
- Overall height of garden room will sit above existing boundary fence,
- Proximity of works to boundary,
- Foundation details not shown within plans,
- Location of works within garden,
- Design not in keeping with CA,

Planning response -

- Check,
- The proposed works will not result in any additional overshadowing which is significant or detrimental. It is to be noted that the existing boundary fence will already result in overshadowing.
- The proposed outbuilding will only sit slightly above the boundary fence however this will not result in any detrimental impact,
- There is no legal prohibition to developing right up to your boundary,
- Foundation details not required to be considered for planning permission. This may be considered within a building warrant application if one is required,
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- The proposed works will not be visible from the main street and will therefore not impact upon the CA.

Officers report

This planning application proposes the erection of garden room at 5 Forkneuk Road, Uphall.

The proposed sun room is to measure 3.000m 2.320m and is to be 2.500m in overall height. The garden room will feature a fixed window on each side elevation and sliding doors on the front elevation which will open out into and overlook the applicants rear garden.

The materials proposed for the works are to be a grey aluminium cladding and vertical timber cladding.

The proposed works will not directly overlook into any neighbouring property and will not overshadow any neighbouring property or garden to a

significant extent.

The proposed works will not be visible from the main street and will therefore not impact upon the visual amenity or the character of the conservation area and streetscene. This proposal adheres to West Lothian Council's Local Development Plan's DES 1 (Design Principles) and ENV24 (Conservation Areas) Policies and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0130/FUL/21	Recommendation:	Refuse Permission	Meeting Date - 12 May 2021 Item No.7
Proposal:	Siting of a container for use as a hot food takeaway			
Address:	Unit 1, The Gateway, Avonmill Industrial Estate, Linlithgow Bridge, Linlithgow (Grid Ref: 298579,677625)			
Applicant:	Mr Jordan Wright	Type:	Local Application	
Ward:	Linlithgow	Case Officer:	Alexander Calderwood	

Summary of Representations

One letter of of representation was received from a member of the public who objects to the proposal. The material planning issues raised are as follows:

- Approval would lead to the overprovision of snack vans in the industrial estate.
- Adverse implications associated with an increased level of traffic in the area as of a result of the takeaway business.

Officers report

Overview

This application seeks full planning permission for the siting of storage container to be used as a hot food takeaway on an area of land adjacent to Unit 1 of the Avonmill Industrial Estate. The site is in close proximity to a valeting business and the Screwfix store. The site is approximately 40 metres west of the main access onto Mill Road, which is the main roads passing through Linlithgow Bridge.

West Lothian Local Development Plan 2018 (Relevant Policy)

Policy DES 1 Design Principles states that all new development proposals should have no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. The policy also states that it should have no significant adverse impact on landscape character and have no adverse implications for public safety.

Located adjacent to the access into the valeting business and Screwfix car park, and also 40 metres from the main access to Mill Road, the site is in a particularly prominent location. The container will be highly visible from the surrounding area and its nature is such that it will be visually intrusive.

The proposed location is such that, all users of the wider industrial estate will pass by it immediately after entering the industrial estate from Mill Road. This would in turn lead to an increased volume of traffic around the entry point into the industrial estate because customers would stop off to visit the takeaway.

Additionally, application 1008/FUL/17 was approved for the erection of a 1481sqm class 4 / class 5 / class 6 development and associated, parking and landscaping on 19.06.2018. 3 of the 4 approved units are now occupied by Greensteam valeting ltd, Screwfix and Toolstation. A detailed landscaping plan was required in the interest of the amenity of the site and surrounding area as a whole. In terms of this application the proposed site is in a prominent location on one of the approved landscaped areas. Therefore, the installation of a takeaway container would lead to the erosion of the

required landscaping.

Ultimately, the proposal does not comply with Policy DES 1 in terms of its visual impact, its implications for traffic and the erosion of a landscaped area.

Ref. No.:	0216/H/21	Recommendation:	Refuse Permission
Proposal:	Erection of a 1.8m high fence (in retrospect)		
Address:	3 Heatherbank, Ladywell, West Lothian, EH54 6EE, (Grid Ref: 304918,668101)		
Applicant:	Mr George Baptista	Type:	Local Application
Ward:	Livingston South	Case Officer:	Rachael Lyall
<p><u>Summary of Representations</u></p> <p>One neutral comment - - Fence too high and not in keeping with other front gardens.</p>			
<p><u>Officers report</u></p> <p>This planning application proposes the erection of a 1.8m fence (in retrospect) within the front garden of the property at 3 Heatherbank, Ladywell.</p> <p>The surrounding neighbouring properties consists of fences within the front garden measuring no more than 1m in height. In addition, West Lothian Council Supplementary Guidance on House Extension and Alteration Design advise that fence should be no more than 1m where located in a front garden. Only the rear gardens within thin street feature fences measuring a similar height to the retrospective 1.8m front garden fence.</p> <p>The proposed works will therefore not integrate with the neighbouring properties and will have a detrimental impact upon the visual amenity of the street scene. This proposal is contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.</p>			

Proposed Enforcement Actions - 23/04/2021

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0061/21	Mr R Allan	RCA Commercials Unit 3 Foulshiels Road Stoneyburn Bathgate West Lothian EH47 8BS	Fauldhouse & The Breich Valley	Take No Action	<p>RCA Garage Services & MOT Centre erected two ramps within a building that was originally proposed for storage – Planning Permission LIVE/0812/FUL/16.</p> <p>When approached to discuss the alterations, the company advised that the two ramps are being used as temporary workstations to enable social distancing.</p> <p>Following Government's Chief Planner advice this temporary change is permitted for the time Covid19 restrictions are in place.</p>