



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

10 February 2021

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Wednesday 17 February 2021** at **10:00am**.

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, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 20 January 2021 (herewith)

#### **Public Items for Decision**

5. Application No.0902/H/20 - Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls, Winnock Burnside Road, Bathgate (herewith)
6. Application Nos.1087/LBC/20 & 1088/FUL/20 - Listed building consent

for the installation of retractable awning to shopfront and associated adjustments to existing shopfront signage, 47 High Street Linlithgow and Installation of retractable awning (herewith)

7. Application No.1178/H/20 - Extension to house and erection of a shed, 9 Kaimes Grove Kirknewton (herewith)

**Public Items for Information**

8. Consider list of delegated decisions on planning applications and enforcement actions for the period 15 January to 5 February 2021 (herewith)
9. Appeals :-
- (a) Application 1024/PO/20: Appeal against West Lothian Council refusal of application for modification of a Section 75 Agreement in relation to the payment of financial contributions towards the provision of education at land at Armadale Station, Armadale, EH48 2FR - Appeal received
  - (b) Application 0765/P/20: Planning Permission in Principle for residential for a 4.2Ha residential development comprising of 9 Housing plots, access, landscaping and associated Works at land to South West of Craigrigg Cottages, Bridgehouse, Westfield, EH48 3DJ - Appeal received
  - (c) Application 0722/H/20: Erection of garage (in retrospect) at 7 Craigengar Avenue, Uphall, West Lothian, EH52 5SQ - No remit to consider appeal
  - (d) Application 0425/H/20: Formation of a dormer window at 3 Newpark Mews, Bellsquarry, Livingston, EH54 9GX - Appeal allowed
  - (e) Application 0557/HHN/20: Appeal against High Hedge Notice at 78 Harburn Road, West Calder, EH55 8AT - Appeal allowed

-----

NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

## CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, [julie.whitelaw@westlothian.gov.uk](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621 [committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

## **SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE**

### **The objective test**

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

### **The General Exclusions**

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

### **Particular Dispensations**

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

### **The Specific Exclusions**

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

### **Categories of “other persons” for financial and non-financial interests of other people**

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 20 JANUARY 2021.

Present – Councillors Charles Kennedy (Chair), Tom Kerr, Stuart Borrowman, Pauline Clark, Tom Conn, Lawrence Fitzpatrick, George Paul and David Tait

Apologies – Councillor William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the minute of its meeting held on 16 December 2020.

3. APPLICATION NO.0790/A/20

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0790/A/20	Display of illuminated fascia sign at 5 West Main Street, Broxburn	Refuse advertising consent

The committee then heard from Ms Trisha Brown, the applicant, speak in support of the application.

The committee then heard Councillor Diane Calder, a local ward member, speak in support of the application.

Decision

To grant planning permission subject to conditions delegated to the Development Management Manager, including a correct location plan as committee considered that the proposal would improve the visual amenity of the area.

4. APPLICATION NO.0877/FUL/20

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
------------------------	-----------------	-----------------------

0877/FUL/20	Part change of use from garden ground to outdoor personal training services studio (class 11) at 44 Whitburn Road, Bathgate	Refuse permission	planning
-------------	---	----------------------	----------

The committee then heard Mr Liam Doolan, Ms Jenni Doonan and Yvonne Doonan all speak in support of their objections to the application.

The committee then heard Mrs Fiona Morecombe, Mr Alan Mochrie, Ms Nadia McKay, Mr Hamish Donald, Ms Mhairi Donald, the applicant, and Mr Marc Hislop all speak in support of the application.

#### Decision

To approve the terms of the report and refuse planning permission

### 5. LIST OF DELEGATED DECISIONS

The Head of Planning, Economic Development and Regeneration had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated and enforcement action for the period 11 December 2020 to 8 January 2021 was submitted for the information of committee.

#### Decision

To note the list of delegated decisions.

### 6. APPEALS :-

The committee noted that the following appeal, which had been submitted to Scottish Ministers following refusal of planning permission, had been allowed :-

#### Application No.

#### Proposal

0927/FUL/18

Erection of 18 houses with associated infrastructure and landscaping at land to south east of Tarbert Drive, Murieston, Livingston



## 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.	<a href="#">0902/H/20</a>	Owner of site	Mr & Mrs S Anderson
Applicant		Ward & local members	<b>Bathgate</b>  Councillor Charles Kennedy  Councillor Willie Boyle  Councillor Harry Cartmill  Councillor John McGinty
Case officer	Kirsty Hope	Contact details	01506 282 413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

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

- 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

<b>5. REPRESENTATIONS</b>
---------------------------

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.

<b>8. ASSESSMENT</b>
----------------------

**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.**

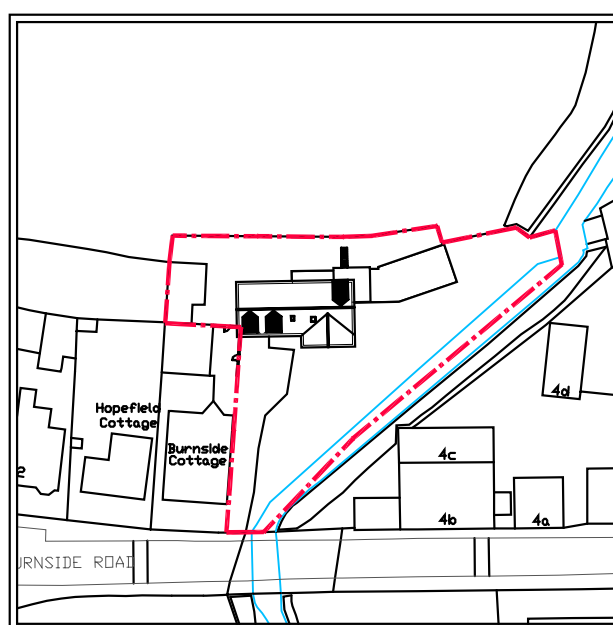
**Draft Conditions and Reasons/Advisory Notes – Application 0902/H/20**

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

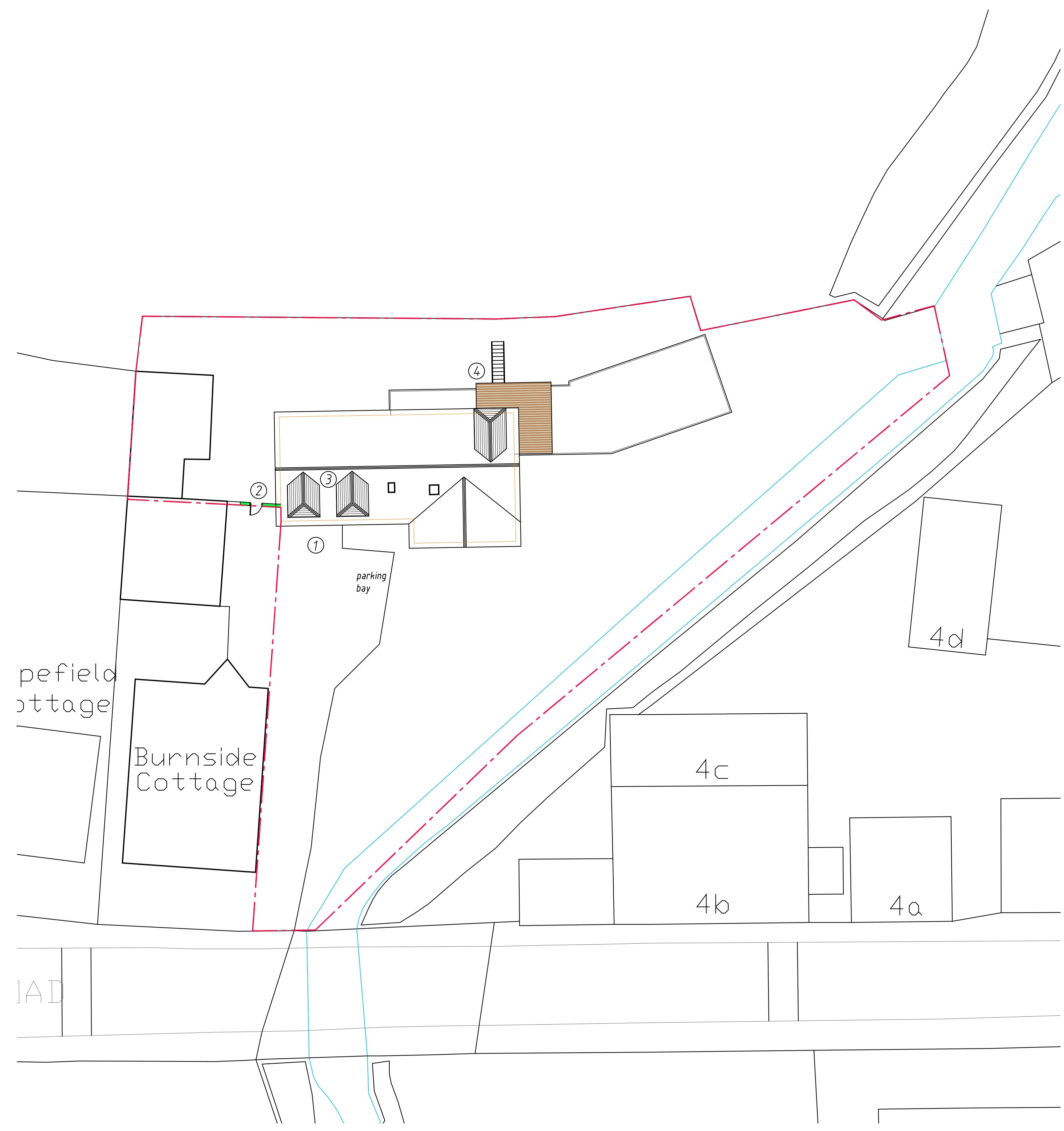
**This permission is granted subject to the following condition: -**

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.

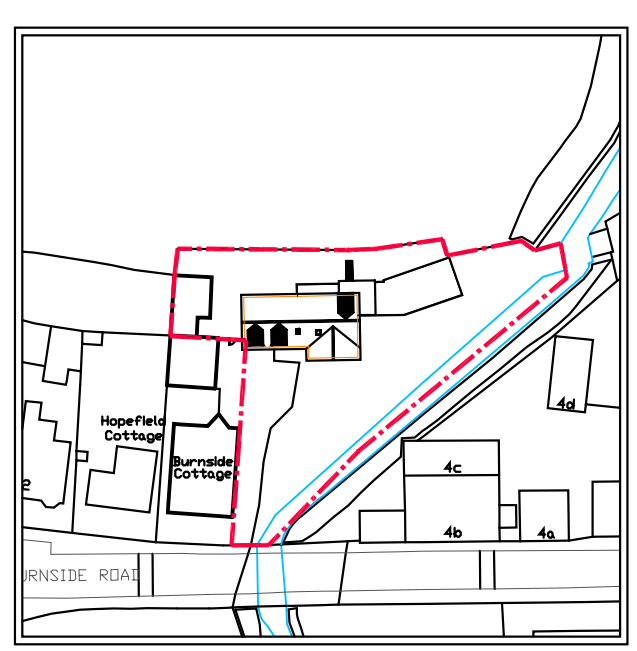


*Location Plan 1:1250*

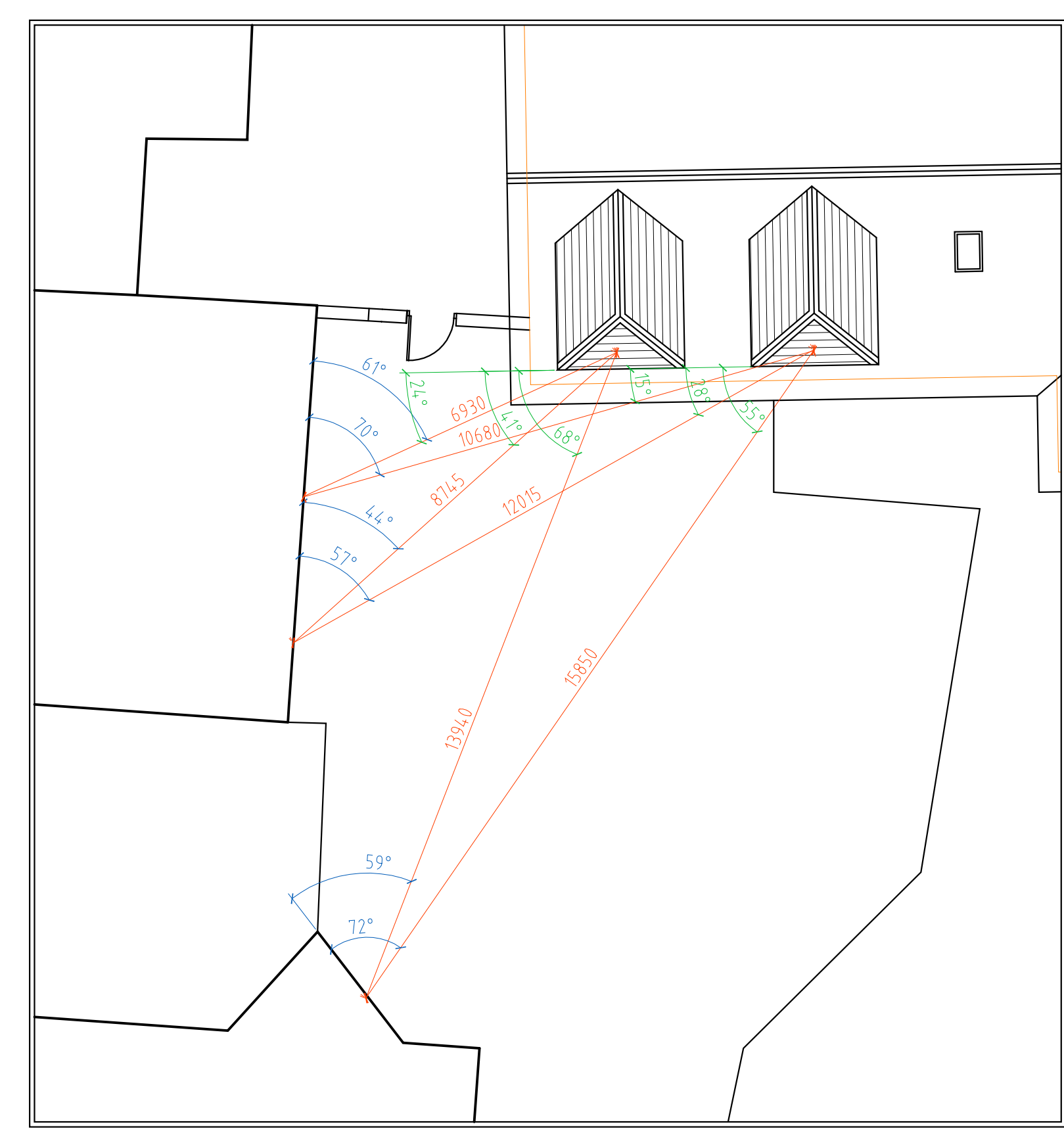
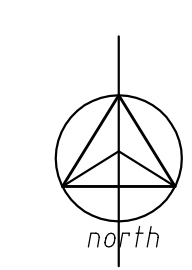


Block Plan 1:200

- 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-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><b>Application Reference Number</b></p> <p>0902/H/20</p> <p>.....</p>	<p><b>Applicant Request</b>..... <input type="checkbox"/></p>
<p><b>Site Address</b></p> <p>Winnock</p> <p>.....</p>	<p><b>Constituent Request</b>..... <b>X</b></p>
<p><b>Burnside</b></p> <p>.....</p>	<p><b>Other (please specify)</b>..... <input type="checkbox"/></p>
<p><b>Title of Application</b></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><b>Member's Name</b></p> <p>Cllr Harry Cartmill</p> <p>.....</p>	
<p><b>Date 25.1.2021</b></p> <p>.....</p>	

# Development Management Committee

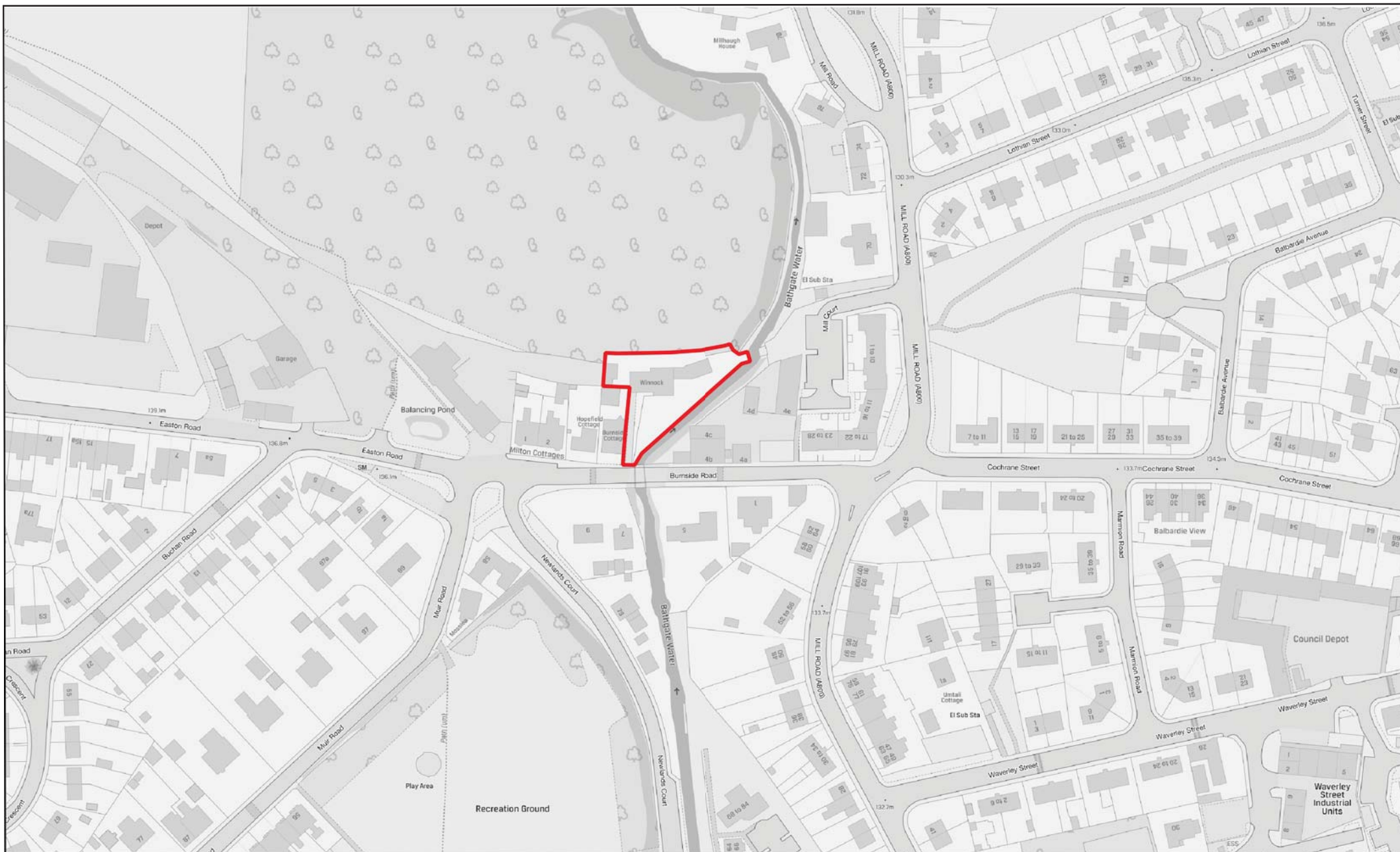
17 February 2021

Item No 05: Application No. 0902/H/20

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

Winnock Burnside Road Bathgate West Lothian  
EH48 4PX







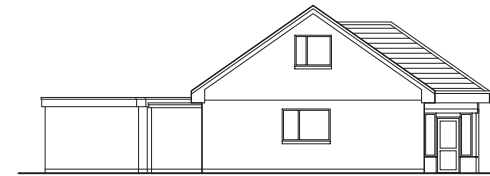




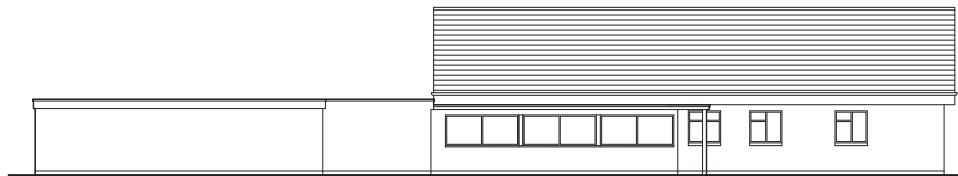




Front Elevation 1:100



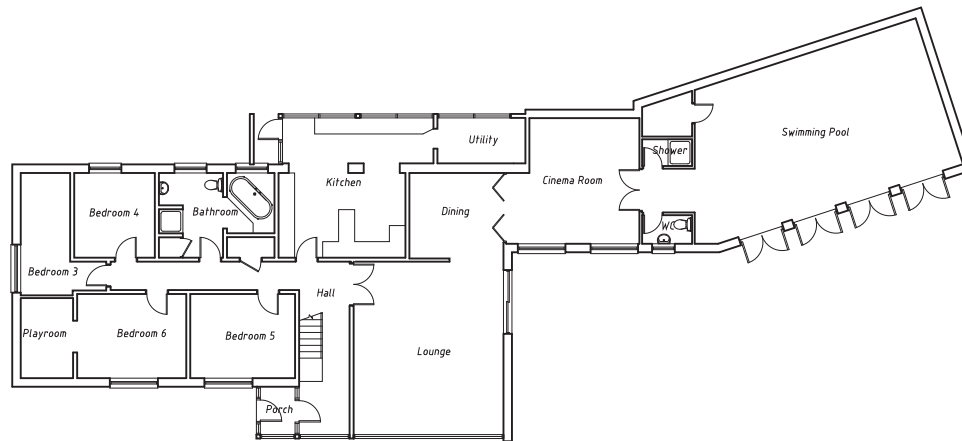
Side Elevation 1:100



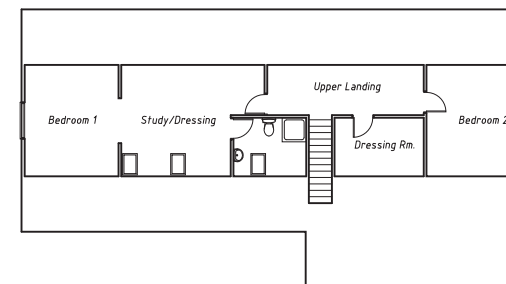
Rear Elevation 1:100



Side Elevation 1:100



Ground Floor Plan 1:100

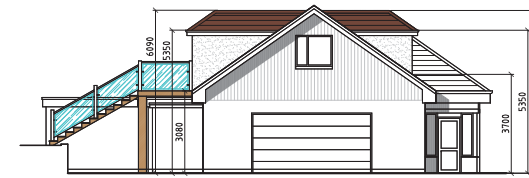


First Floor Plan 1:100

title:	Existing Plans & Elevations		
client:	Mr & Mrs S Anderson		
project:	Proposed alterations to house Winnock Burnside Road Bathgate		
scale:	as noted @ A1	date:	Sep 20
drawing number:	20/050/EX01		
HARDIE ASSOCIATES Ltd.			
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD			
tel: 01506 635979 email: rh@hardieassociates.co.uk copyright: Hardie Associates Ltd.			



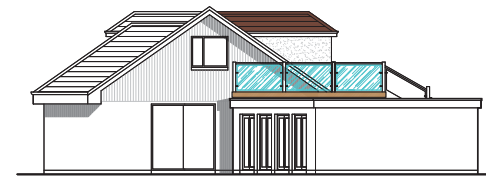
Front Elevation 1:100



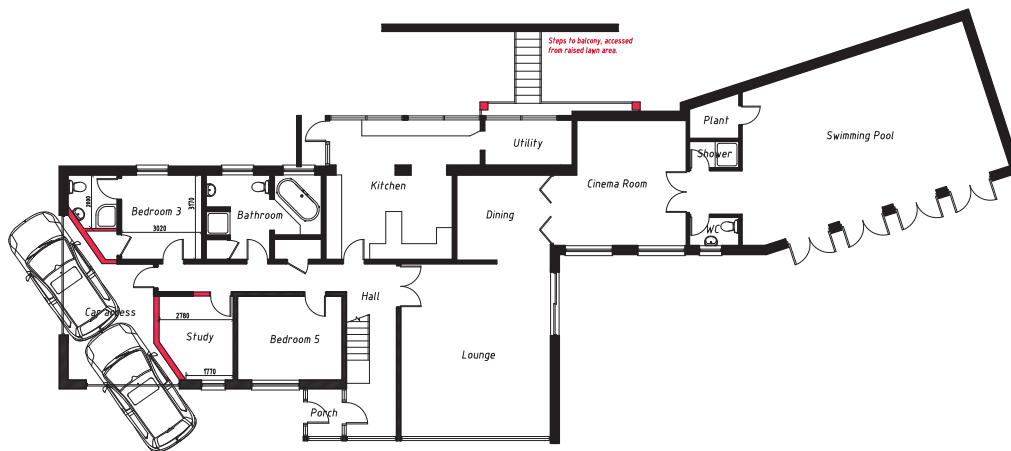
Side Elevation 1:100



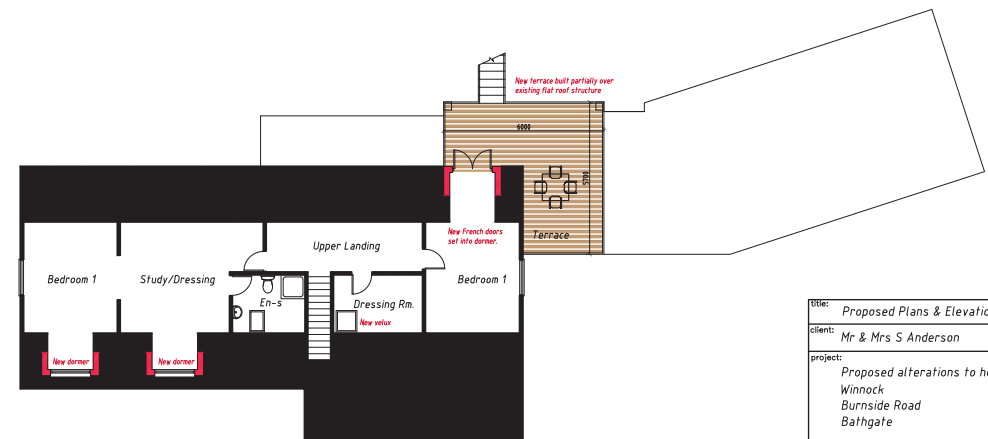
Rear Elevation 1:100



Side Elevation 1:100



Ground Floor Plan 1:100



First Floor Plan 1:100

Title: Proposed Plans & Elevations	
Client: Mr & Mrs S Anderson	
Project: Proposed alterations to house Winnock Burnside Road Bathgate	
Scale: as noted @ A1	Date: Oct 20
Drawing number: 20/050/PL01-a	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LoTHIAN EH48 4PD	
Tel: 01506 435979 Email: r.hardie@hardie-associates.co.uk Copyright: Hardie Associates Ltd.	





































## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Applications for planning permission and Listed Building Consent for the installation of retractable awning to shopfront at 47 High Street, Linlithgow, West Lothian, EH49 7ED

#### 2 DETAILS

<b>Reference no.</b>	1088/FUL/20 & 1087/LBC/20	<b>Owner of site</b>	Mr Steven Wilson
<b>Applicant</b>	Mr Steven Wilson Cafe Taste	<b>Ward &amp; local members</b>	Linlithgow  Councillor Conn Councillor Kerr Councillor Tait
<b>Case officer</b>	Claire Johnston	<b>Contact details</b>	Phone 01506 282312 Email <a href="mailto:Claire.johnston@westlothian.gov.uk">Claire.johnston@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** Referred by Councillor Tait

#### 3 RECOMMENDATION

Refuse Planning Permission and Listed Building Consent

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

- 4.1 The applications seek planning permission and listed building consent for the installation of a retractable awning.
- 4.2 The proposed awning would protrude 2m from the principle elevation of a B listed building facing north within the Linlithgow Palace and High Street conservation area. The awning box would protrude from the principle elevation by 0.2m and is 5.5m long.
- 4.3 The current use of the property is as a shop and café with outdoor seating

#### History

- 4.4 **LIVE/1303/A/04** – Installation of fascia sign, projecting sign and notice board  
Refused Advertisement Consent 24.02.2005.

- 4.5 **LIVE/1304/LBC/04** - Installation of external signage, installation of w.c., disabled access and removal of internal wall  
Refused Planning Permission 24.02.2005.
- 4.6 **LIVE/0107/A/06** - Installation of fascia sign  
Granted Advertisement Consent 06.04.2006.
- 4.7 **LIVE/0245/LBC/06** - Listed building consent for the installation of fascia sign  
Granted Listed Building Consent 09.05.2006
- 4.8 **LIVE/1155/LBC/07** - Listed building consent for the installation of various signage  
Granted Listed Building Consent 07.02.2008.
- 4.9 **LIVE/1154/A/07** - Installation of various signage  
Granted Advertisement Consent 05.02.2008.

## 5. REPRESENTATIONS

- 5.2 One comment in support was received for application 1088/FUL/20.

A summary of the representation is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>Appropriate and intelligent use of existing town centre asset.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development is for the installation of a retractable awning only and has no effect on the existing use of the property as a shop and café.</li> </ul>

## 6. CONSULTATIONS

- 6.1 1088/FUL/20 & 1087/FUL/20

Consultee	Comments
<ul style="list-style-type: none"> <li>Environmental Health</li> </ul>	<ul style="list-style-type: none"> <li>No Objection</li> </ul>
<ul style="list-style-type: none"> <li>Historic Environment Scotland</li> </ul>	<ul style="list-style-type: none"> <li>No Objection</li> </ul>

## 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:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan, 2018 (LDP)  Policy DES 1 – Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Developments will be required to comply with criteria in the policy.	The development will not integrate with the wider conservation area, in particular relating to this southern side of the street, where there are no other awnings.	No
ENV24 – Conservation Areas	All development proposals will require to preserve and enhance the conservation areas' special architectural character.	The proposed development would neither preserve nor enhance the appearance of the conservation area and its character.	No
ENV25 - Linlithgow Palace and Peel and High Street Riggs	Development proposals should not have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow, Conservation Area.	The proposed development would set an undesirable precedent for other similar developments in the conservation area. The cumulative effect of this would be detrimental to the character and appearance of the area.	No
ENV28 - Listed Buildings	All development proposals will require to take account of the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.	The proposed development would adversely affect the character and appearance of the listed building.	No

**Material Consideration :** Planning Guidance (PG). Shopfronts and Advertisements in Conservation Areas: Broxburn and Uphall, Linlithgow (Palace and High Street) Kirknewton, Livingston Village and Torphichen, 2020.

7.4 The determining issues in relation to these applications are set out below:

### **Conservation Area**

- 7.5 The proposed development would see the introduction of an awning onto the principle elevation of a building on the south side of the Linlithgow Palace and High Street Conservation Area.
- 7.6 The adopted 2020 Planning Guidance on Shopfronts and Advertisements which covers the Linlithgow Palace and High Street Conservation Areas sets out that traditionally, retractable awnings/canopies were used by shops selling perishable goods and which were exposed to sunlight at certain times of day. As noted above, the property subject to these applications can be found on the south side of Linlithgow High Street. Therefore, while there may be perishable goods on display due to the nature of the use, the shop/cafe window will not be exposed to direct sunlight due to the movement of the sun and the shadowing of the buildings on the north side of the High Street.
- 7.7 In addition, the erection of the awning as proposed would constitute visual clutter and would set an undesirable precedent for other similar developments in the conservation area, in particular on the south side of the street. The cumulative effect of this would be detrimental to the character and the visual amenity of the Linlithgow Palace and High Street Conservation Area and will neither preserve nor enhance its appearance, contrary to policies DES1, ENV24 and ENV25.

### **Listed Building**

- 7.8 The proposed development would see the introduction of an awning onto the principle elevation of a B listed building. The proposed development would adversely affect the appearance of the listed building and neither preserve nor enhance its character and it is therefore contrary to local development plan policy ENV28.

<b>8. CONCLUSION AND RECOMMENDATION</b>
---

- 8.1 In summary, the installation of the proposed awning would constitute visual clutter and would neither preserve nor enhance the character and appearance of Linlithgow Palace and High Street Conservation Area or the B listed building.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission and listed building consent is refused

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
---

- Draft Reasons for refusal
- Location Plan & Elevations
- Representations
- Local Member Referral Form
- Aerial plan, plans and site photos are available in the accompanying slide presentation pack

Craig McCorriston

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

**Date: 17<sup>th</sup> February 2021**

## **Draft Reasons for Refusal**

### **1088/FUL/20**

1. The property is sited close to the centre of the Linlithgow Palace and High Street Conservation Area. The proposed development would see the introduction of an awning onto the principle elevation of the building, which faces north. The erection of an awning as proposed would constitute visual clutter and would neither preserve nor enhance the appearance of the conservation area and it is therefore contrary to the following Development Plan policies:
  - DES1 – Design Principles
  - ENV24 - Conservation Areas
  - ENV25 - Linlithgow Palace and Peel and High Street Riggs
2. Given that the building is located on the south side of the High Street, the awning would be located on the north elevation of the building and is not required to shade perishable goods, the applicant has failed to convince the council that there are justifiable reasons to permit this development contrary to the following guidance:
  - Planning Guidance (PG). Shopfronts and Advertisements in Conservation Areas: Broxburn and Uphall, Linlithgow (Palace and High Street) Kirknewton, Livingston Village and Torphichen, 2020.
3. By granting planning permission the council would set an undesirable precedent for other similar developments in the conservation area. The cumulative effect of this would be detrimental to the character of the listed building and the visual amenity of the Linlithgow Palace and High Street Conservation Area and it is therefore contrary to the following Development Plan policies:
  - ENV24 - Conservation Areas
  - ENV25 - Linlithgow Palace and Peel and High Street Riggs

### **1087/LBC/20**

1. The proposed development would see the introduction of an awning onto the principle elevation of the B listed building, which faces north. The erection of an awning as proposed would constitute visual clutter and would adversely affect and neither preserve nor enhance the appearance of the listed building and it is therefore contrary to the following policies and guidance:
  - ENV24 - Conservation Areas
  - ENV24 - Linlithgow Palace and Peel and High Street Riggs
  - ENV28 - Listed Buildings
  - Planning Guidance (PG). Shopfronts and Advertisements in Conservation Areas: Broxburn and Uphall, Linlithgow (Palace and High Street) Kirknewton, Livingston Village and Torphichen, 2020



EXISTING ELEVATION TO HIGH STREET  
1:50 @ A1 OR 1:100 @ A3

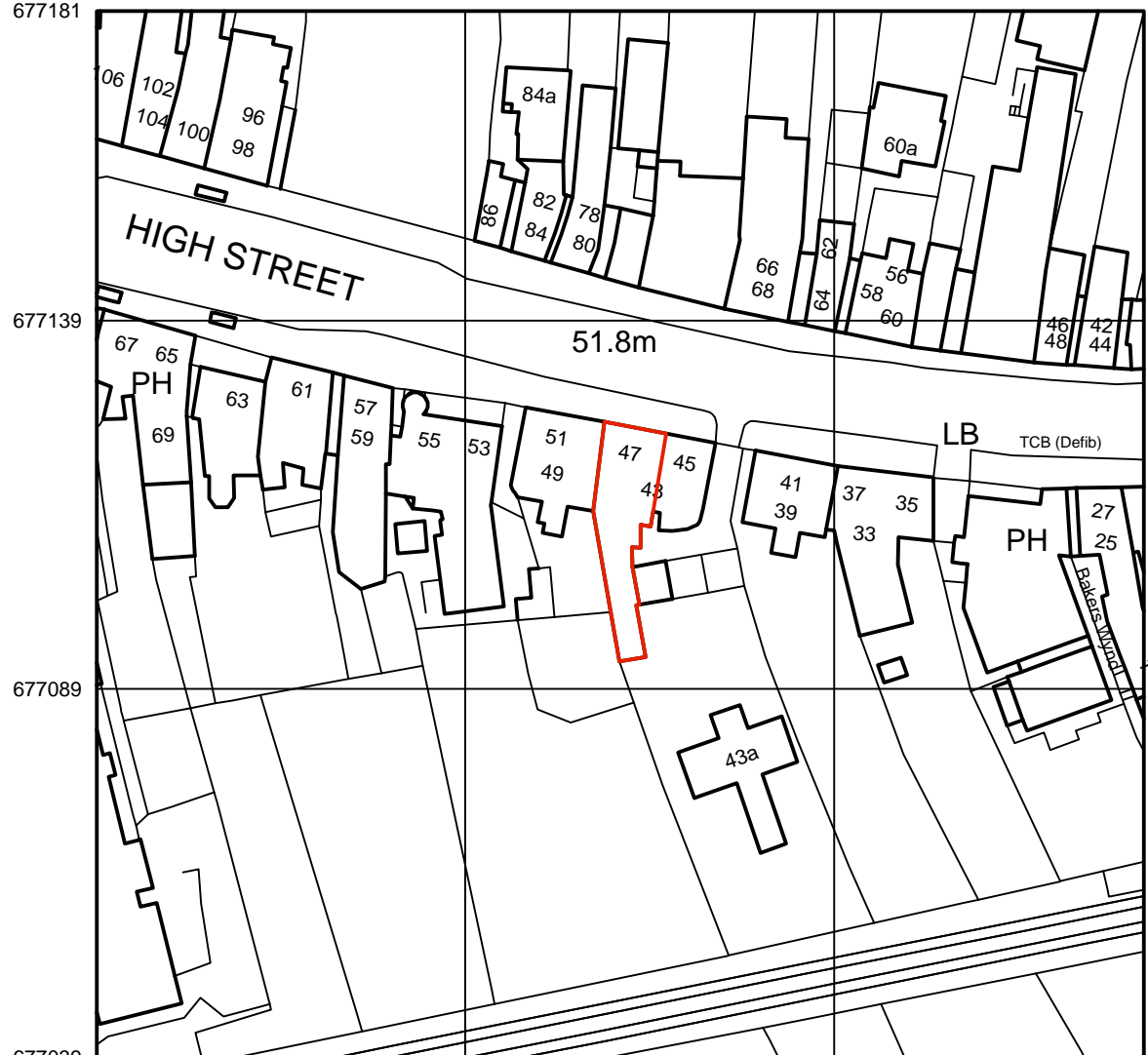
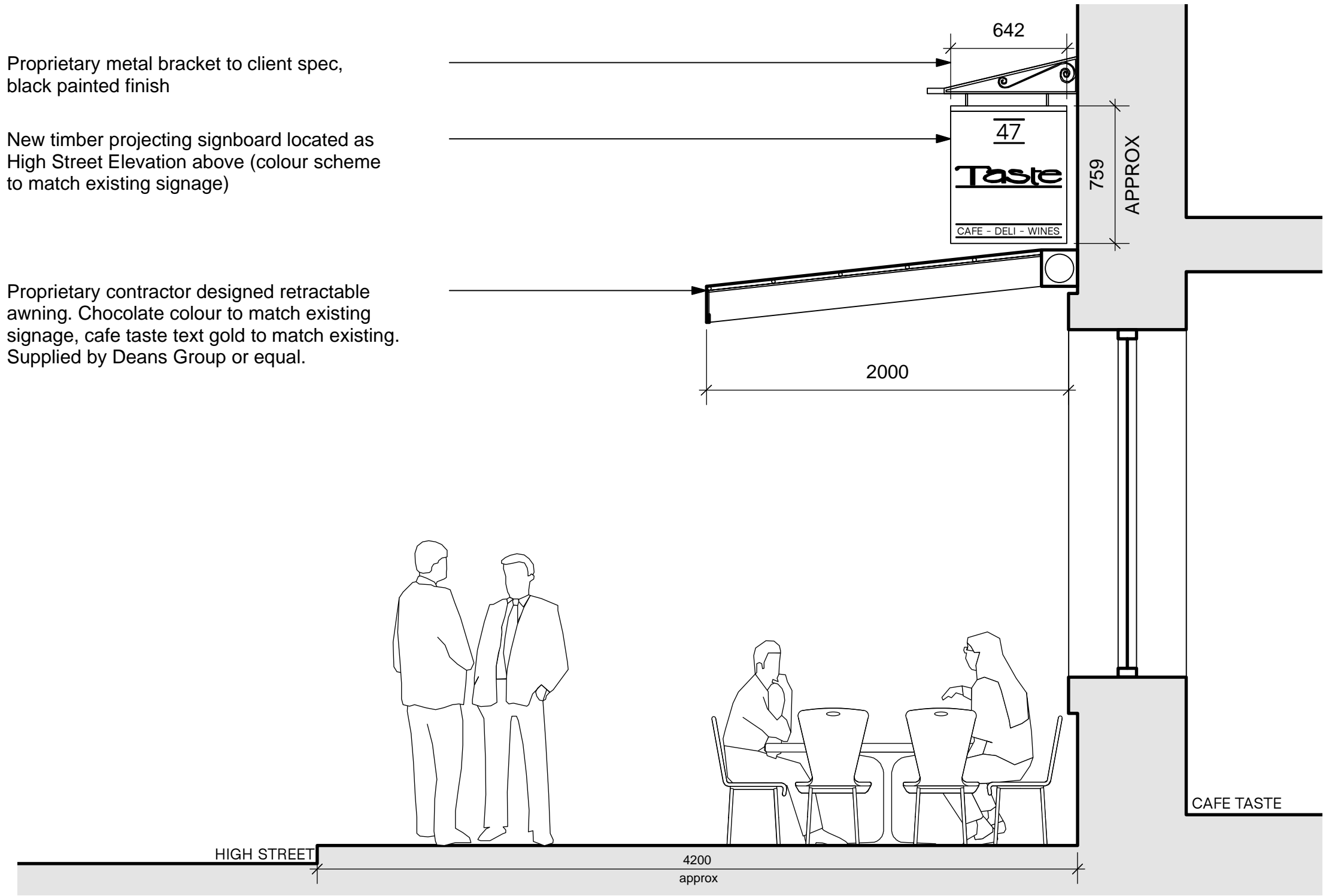


EXISTING CAFE TASTE SHOPFRONT



PROPOSED ELEVATION TO HIGH STREET  
1:50 @ A1 OR 1:100 @ A3

- New projecting timber sign, colour / text to match existing (see section)
- Position of existing Cafe Taste sign dotted red
- Existing Cafe Taste signboard trimmed, oval section removed, signboard realigned to align with jambs of fenestration above and below, text to be centred on windows and solid panel above and below respectively.
- New proprietary contractor designed retractable awning (by Deans Group or equal) shown grey for clarity  
Awning to be sized to align with window jambs above  
See section for projection info.



LOCATION PLAN  
1:1000 @ A1

Revisions:

:thatstudio chartered architects ltd  
4 Court Square, High Street,  
Linlithgow, EH49 7AQ

2043 L(2)-01  
as noted  
November 2020

Cafe Taste Awning  
GA Drawings  
Mr S Wilson

Project:  
Title:  
Client:

# Comments for Planning Application 1088/FUL/20

## Application Summary

Application Number: 1088/FUL/20

Address: 47 High Street Linlithgow West Lothian EH49 7ED

Proposal: Installation of retractable awning

Case Officer: Claire Johnston

## Customer Details

Name: Ms Rebecca Welch

Address: 41 High Street Linlithgow EH49 7ED

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Appropriate and intelligent use of existing town centre asset.

As High Street supporters, residential neighbours and customers, we fully support.

Rebecca Welch and Andrew Todd



## ☒ 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><b>Application Reference Number</b></p> <p>1087/LBC/20 1088/FUL/20 .....</p> <p><b>Site Address</b></p> <p>...47 High Street Linlithgow..... EH49 7ED .....</p> <p><b>Title of Application</b></p> <p>Listed building consent for the installation of retractable awning to shopfront &amp; associated adjustments to existing shopfront signage .....</p> <p><b>Member's Name</b></p> <p>Cllr ...David Tait .....</p> <p><b>Date</b></p> <p>.....02/02/2021...</p>	<p><b>Applicant Request</b>.....✓... <input checked="" type="checkbox"/></p> <p><b>Constituent Request</b>..... <input type="checkbox"/></p> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>



# Development Management Committee

17 February 2021



Item No 06: Application No. 1087/LBC/20 & 1088/FUL/20

Planning Permission and Listed building consent  
for the installation of retractable awning to  
shopfront and associated adjustments to existing  
shopfront signage.


47 High Street Linlithgow West Lothian EH49 7ED





 <b>West Lothian Council</b>	1087/LBC/20 and 1088/FUL/20 - 47 High Street Linlithgow - EH49 7ED			
	Development Management - West Lothian Civic Centre - EH54 6FF			
	(c) Crown copyright and database right 2021 OS Licence number 100037194			

25 0 25







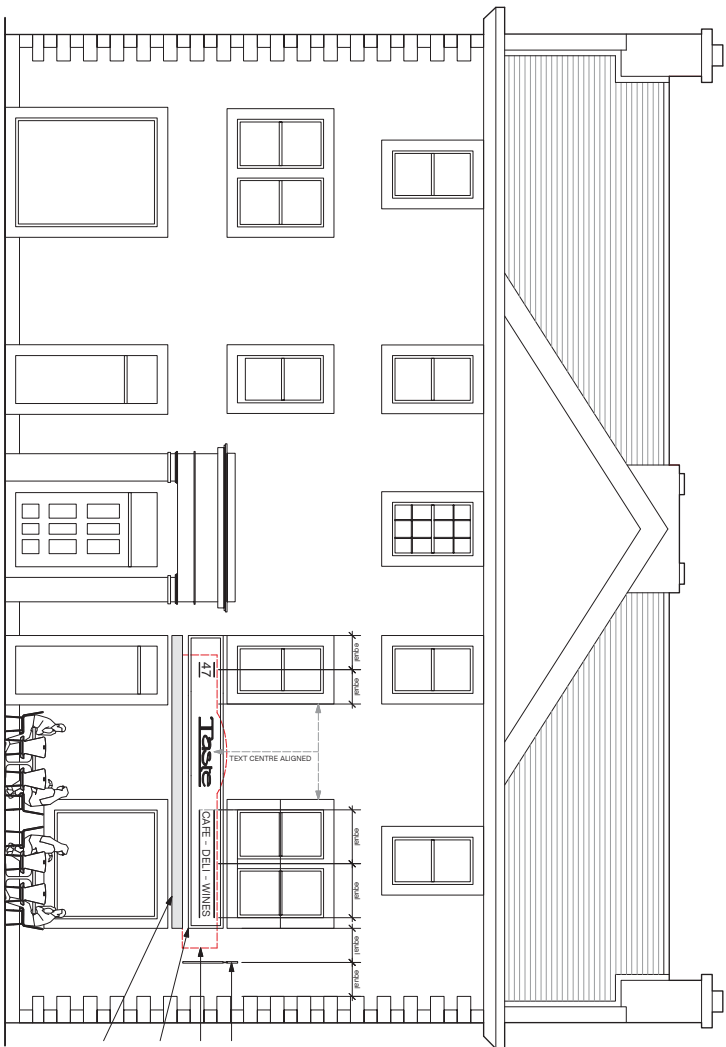
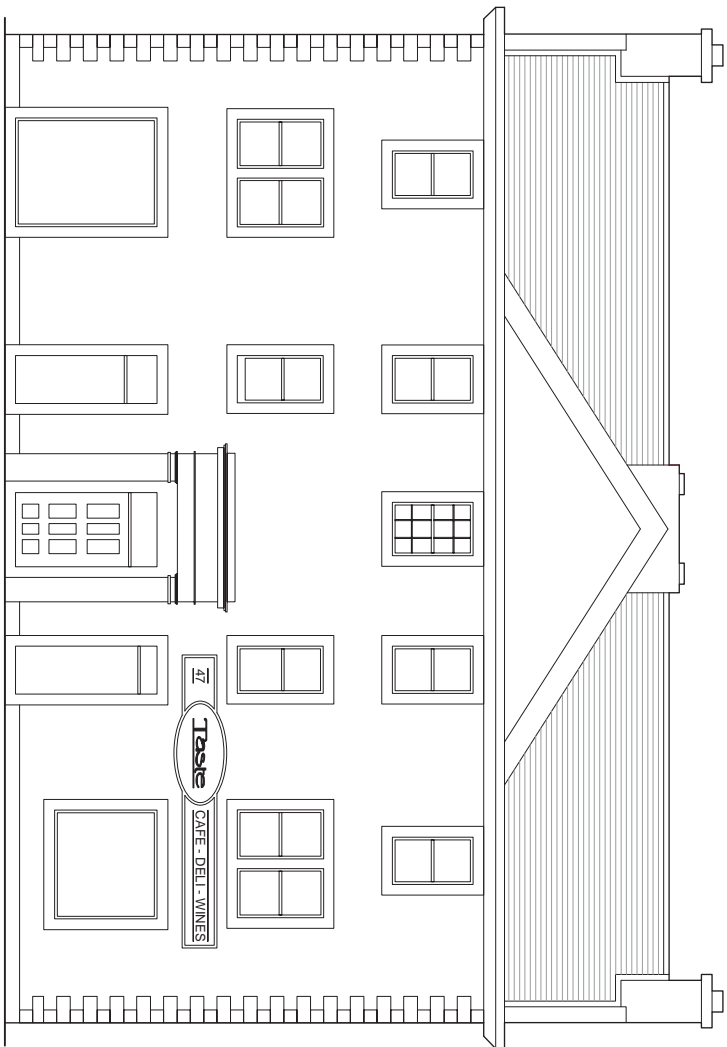
1087/LBC/20 and 1088/FUL/20 - 47 High Street Linlithgow - EH49 7ED

Development Management - West Lothian Civic Centre - EH54 6FF

(c) Crown copyright and database right 2021 OS Licence number 100037194

25 0 25

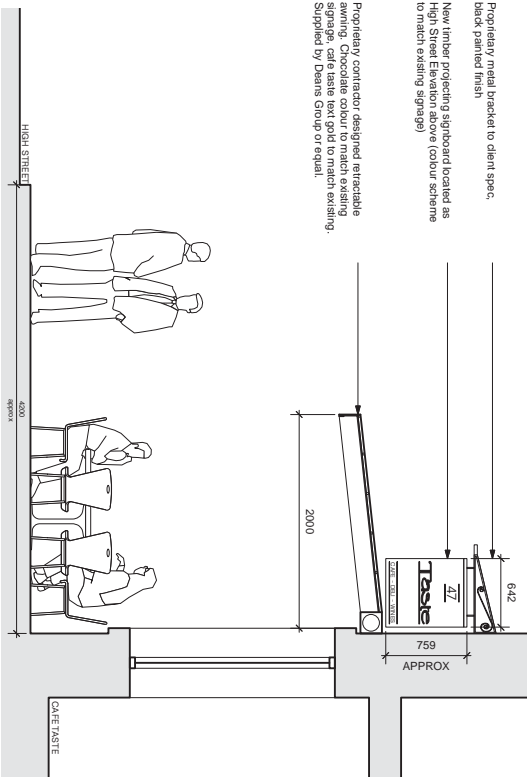




Existing Cafe Taste signboard framed oval section removed. New projecting timber sign colour / text to match existing (see section). Position of existing Cafe Taste sign dotted red.

Existing Cafe Taste signboard framed oval section removed. New projecting timber sign colour / text to match existing (see section). Position of existing Cafe Taste sign dotted red.

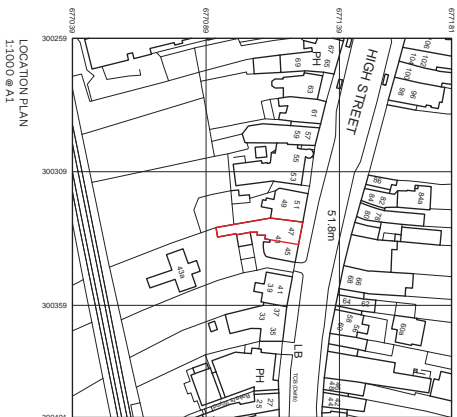
New projecting timber sign colour / text to match existing (see section). Position of existing Cafe Taste sign dotted red.



Proprietary metal bracket to client spec, black painted finish

New timber projecting signboard located as High Street Elevation above (colour scheme to match existing signage)

Proprietary contractor designed retractable awning, Chocolate colour to match existing signage, Cafe taste text gold to match existing. Supplied by Deans Group or equal.







EXISTING CAFE TASTE SHOPFRONT





## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1. DESCRIPTION

Extension to house and erection of a shed at 9 Kaimes Grove, Kirknewton.

#### 2. DETAILS

<b>Reference no.</b>	<a href="#">1178/H/20</a>	<b>Owner of site</b>	Mr & Mrs Stuart & Diane Montgomery
<b>Applicant</b>	Mr & Mrs Stuart & Diane Montgomery  9 Kaimes Grove, Kirknewton, West Lothian, EH27 8AY.	<b>Ward &amp; local members</b>	<b>East Livingston &amp; East Calder</b>  Councillor Damian Timson  Councillor Frank Anderson  Councillor Carl John  Councillor Dave King
<b>Case officer</b>	Rachael Lyall	<b>Contact details</b>	01506 281110 Rachael.Lyall@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Agent is an elected member.

#### 3. RECOMMENDATION

3.1 Grant Planning Permission

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

- 4.1 This planning application proposes the erection of a side extension and garage onto the property located at 9 Kaimes Grove, Kirknewton.
- 4.2 The proposed extension is to measure 2.850m x 6.550m and will be 4.250m in overall height to the ridgeline of the proposed gable pitched roof. The side extension is to feature two rooflights and a window in both the front and rear elevations. The window proposed for the front elevation will overlook the main street and the window proposed for the rear elevation will overlook the proposed shed and the applicants rear garden. No windows are proposed for the side elevation.
- 4.3 The side extension is to be erected right up to the eastern boundary, however it is to be noted that there is no legal prohibition to extending right up to a boundary and the eastern



boundary lies adjacent to a public parking area. The proposed works will sit lower than the ridgeline of the existing property and will be set back from the front elevation in order to appear subsidiary to the existing property.

4.4 The proposed garden shed is to be erected to the rear of the existing house and will measure 2.800m x 1.700m. The shed will be 2.200m in overall height and will feature a gable pitched roof which matches the roof style of both the proposed extension and existing house.

4.5 The materials proposed for the extension are to match with those of the existing property and the shed is to be constructed from a timber which will be stained in a dark brown and will have a felt roof.

### History

4.6 No relevant site history.

## 5. REPRESENTATIONS

5.1 No representations have been received.

## 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

7.3 The relevant development plan policies are listed below:

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018)  Design Principles (DES1) Policy	This policy states that development proposals are required to integrate with the local context. Development proposals should have no significant adverse impact on adjacent buildings. Where appropriate proposals should include measures to enhance the environment and be of high quality in their design.	This proposal will integrate with the local context and surrounding properties and will not significantly impact the visual or residential amenity. Additionally, the proposed works are of an adequate scale and design which will appear subsidiary to the main property and will not be of any detrimental effect to the character or appearance of the existing house or main street scene.	Yes

7.4 This proposal also relates to the council's House Extension and Alteration Design Guidelines, 2020.

- 7.5 There are no matters of concern or determining issues for this development when considering West Lothian Council's LDP Design Principles (DES1) Policy, as stated above and the House Extension and Alteration Design Guidelines, 2020.

<b>8. CONCLUSION AND RECOMMENDATION</b>
---

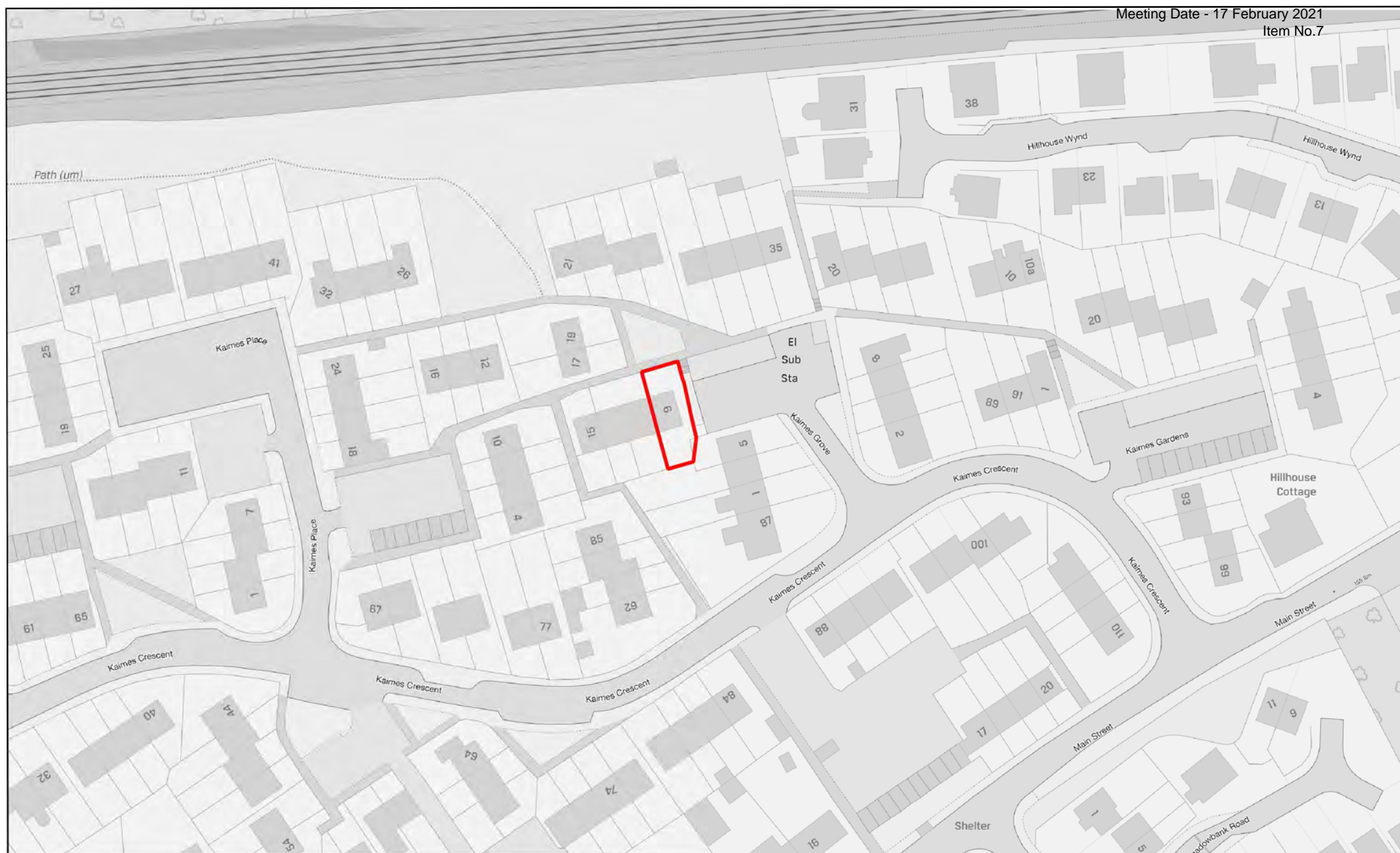
- 8.1 The proposed works is of an acceptable scale, design and finish which will not cause detriment to the visual amenity of the existing house or street. In addition. The proposed works will not overshadow, result in any loss of daylight or privacy to any neighbouring properties and therefore will not impact upon the residential amenity.
- 8.2 This proposal adheres to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and follows the supplementary guidance given in the House Extension and Alteration Design Guide 2020.
- 8.3 It is recommended that this application is granted planning permission.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
---

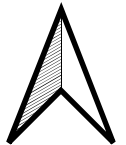
- Location Plan
- Aerial Plan
- Draft Conditions

Craig McCorriston

**Head of Planning, Economic Development and Regeneration      Date: 17<sup>th</sup> Feb 2021**









**Development Management**  
West Lothian Civic Centre  
Howden South Road  
Howden  
Livingston  
EH54 6FF

Our Ref: 1178/H/20  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
27 January 2021  
Tel: 01506 280000

## Draft Justification and Conditions:

**This permission is granted subject to the following conditions: -**

(1) The materials to be used on the roofs and walls of the extension hereby approved shall match those on the existing house unless otherwise agreed in writing with the planning authority.

Reason: To integrate the development with the surrounding area, in the interests of visual amenity.

**Standard Notes: -**

### **Notification of the start and completion 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 and again once the development is completed. 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. Failure to provide the above information may lead to enforcement action being taken. Forms which can be used for this purpose can be found using the following link:

<https://www.westlothian.gov.uk/article/33097/Initiation-of-Development>  
<https://www.westlothian.gov.uk/article/33098/Completion-of-development>

### **Duration of consent:**

This planning permission elapses on the expiry of a period of 3 year (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiry.

### **How to challenge the council's decision**

If your application was determined under delegated powers 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, then you can appeal that decision to the Scottish 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:

<https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

**Additional consents:**

It is the developer's responsibility to obtain all necessary consents prior to commencing works.

**Potentially Contaminated Land:**

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 <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>





# Development Management Committee

17 February 2021

Item No 07: Application No. 1178/H/20

Extension to house and erection of a shed.

9 Kaimes Grove Kirknewton West Lothian  
EH27 8AY







West Lothian  
Council

1178/H/20 - 9 Kaimes Grove Kirnewton - EH27 8AY

Development Management - West Lothian Civic Centre - EH54 6FF

(c) Crown copyright and database right 2021 OS Licence number 100037194

20

0

20











LAND REGISTER  
OF SCOTLAND

Officer's ID / Date  
9995  
18/5/2009

ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

TITLE NUMBER  
**MID86599**

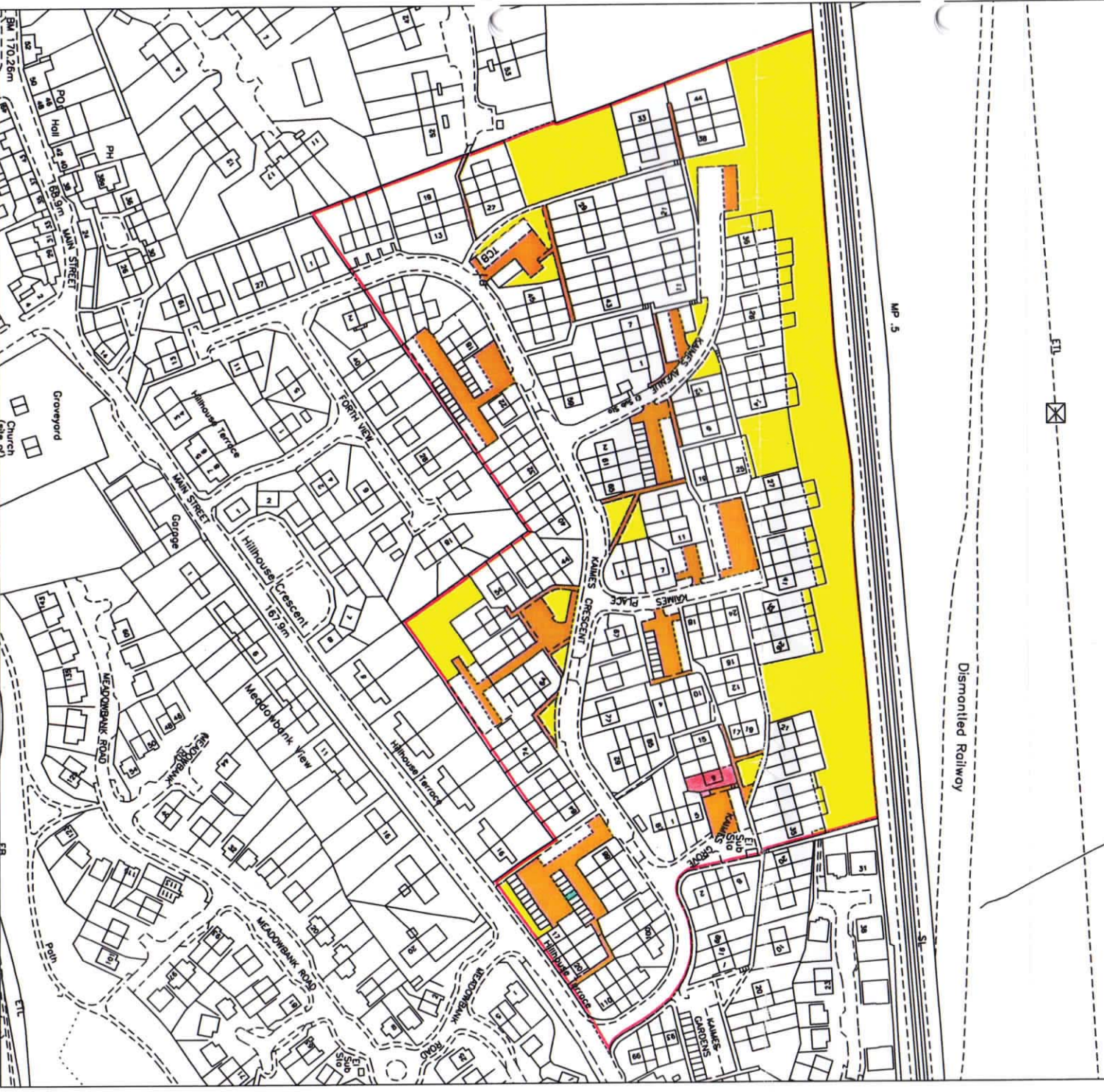
140m

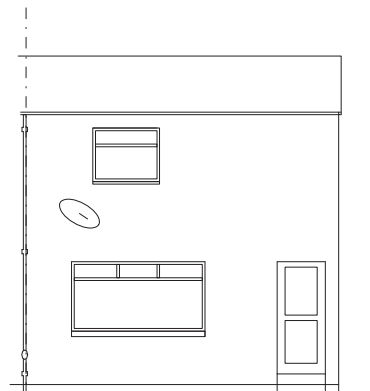
Survey Scale

NT1166 NT1167

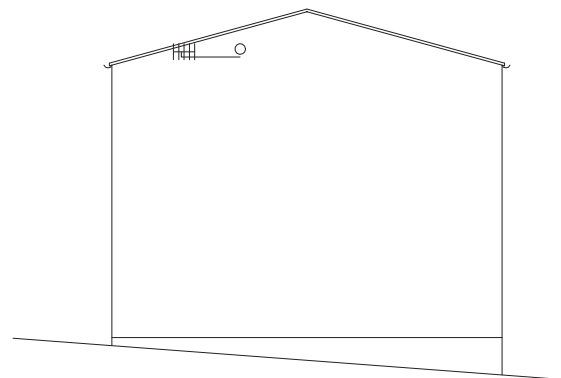
1/2500

CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 07/10/2010 and was made with the authority of Ordnance Survey pursuant to Section 47 of the Copyright, Designs and Patents Act 1988. Unless that act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.

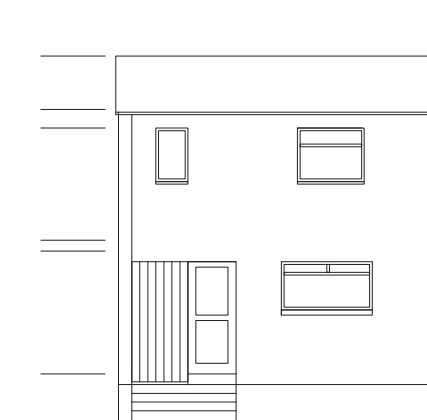




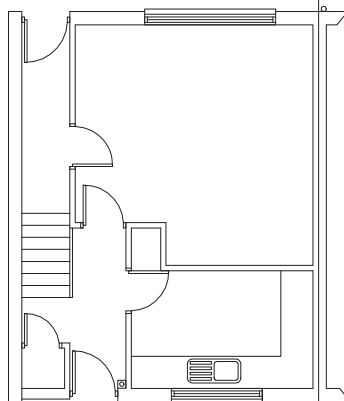
REAR ELEVATION



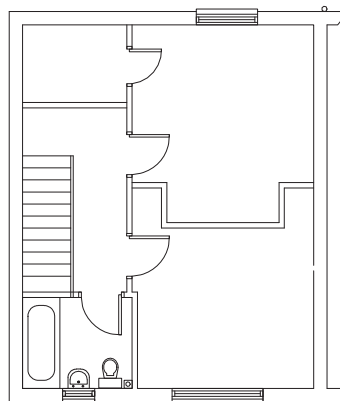
SIDE ELEVATION



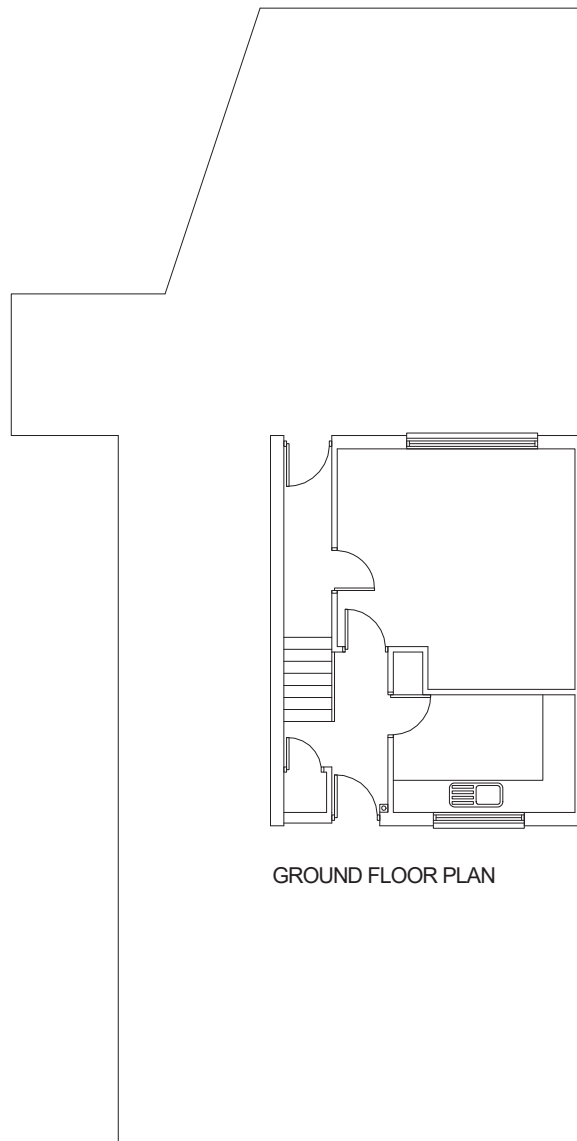
FRONT ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SITE LAYOUT



EXISTING LAYOUTS 1:100

STATUS: PLANNING

Drawing Number

20/1317-01

proposed alterations to . . .

9 Kaimes Grove,  
Kirknewton

for . . .

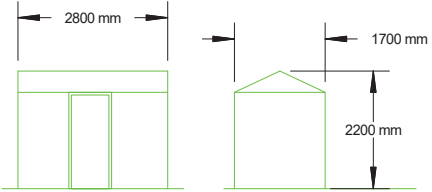
Mr. & Mrs. Montgomery

December 2020

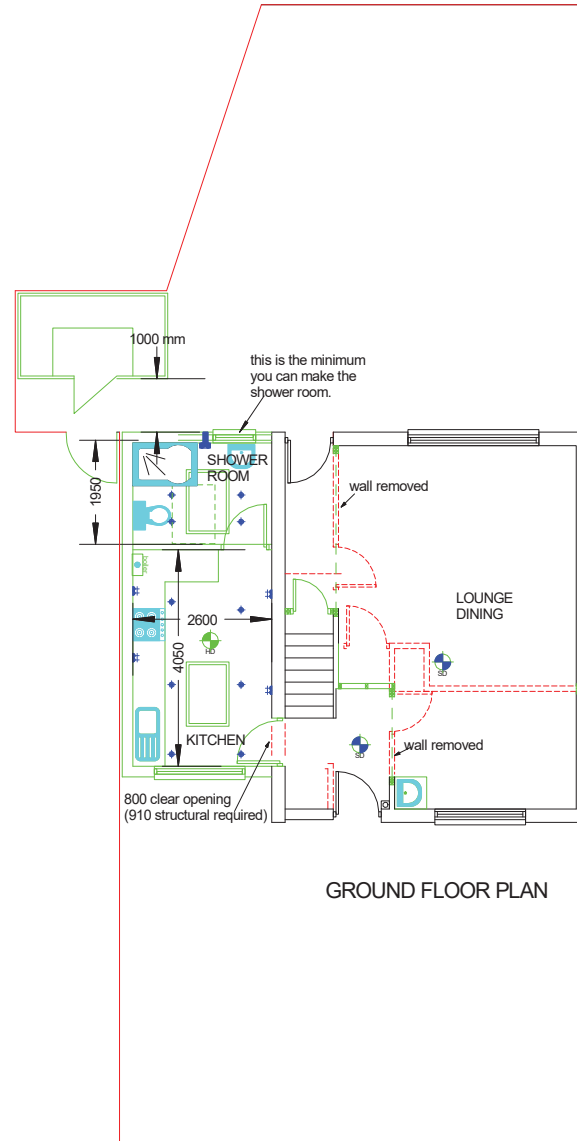
**Plan-It**  
Chartered Building Surveyors

1a Broombank Birches tel:  
Mid Calder. EH530EA 01506 884216

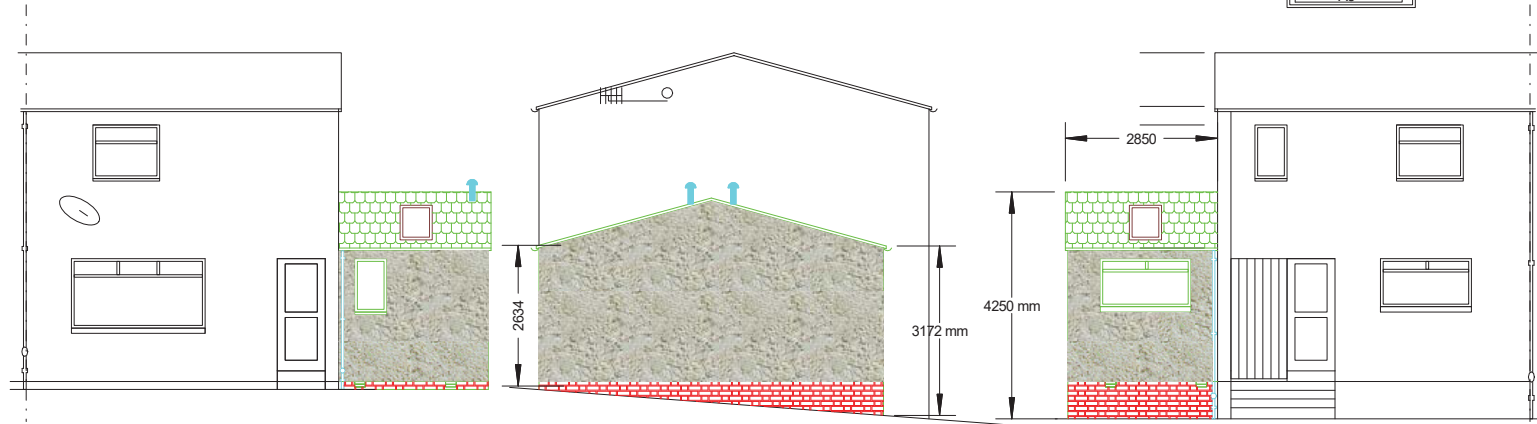




PROPOSED SHED.  
standard timber shed  
stained brown with felt roof.



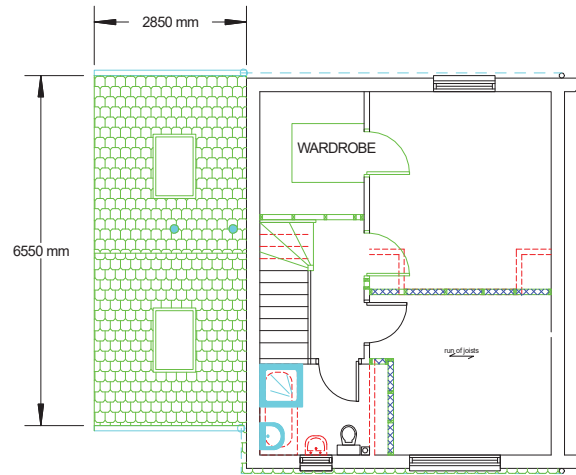
GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

FRONT ELEVATION



FIRST FLOOR PLAN

PLANNING NOTES:  
Description of works:  
It is proposed that a side extension is added to an end terraced house to form a kitchen and FG shower room. A garend shed is also to be installed.

Finishes:  
1. roof tiles to match existing.  
2. Roughcast walls, colour to match house. face brick tiles to band course.  
3. Upvc Facias and soffits.  
4. Upvc windows.  
5. Timer shed with felt roof.

All dimensions are approximate and must be remeasured and checked as the work proceeds.

PROPOSED LAYOUTS 1:100

STATUS: PLANNING

Drawing Number

20/1317-02

proposed alterations to . . .

9 Kaimes Grove,  
Kirknewton

for . . .

Mr. & Mrs. Montgomery

December 2020

**Plan-It**  
Chartered Building Surveyors

1a Broombank Birches tel:  
Mid Calder. EH530EA 01506 884216

SITE LAYOUT



















# Development Management

List of Delegated Decisions - 15th January 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	1084/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Change of use from open space to private garden ground and erection of a fence (in retrospect)		
<b>Address:</b>	8 Cannop Crescent, Stoneyburn, West Lothian, EH47 8EF, (Grid Ref: 296753,662144)		
<b>Applicant:</b>	Mrs Lynn Orme	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

## Summary of Representations

### Objections

- Loss of open space
- Presence of Japanese knotweed if not treated professionally it will spread to neighbouring gardens.
- Land is contaminated as stated by Coal Board
- Loss of parking for residents and preventing access to rear parking area and garage
- Existing court case pending regarding access rights by neighbouring properties.
- Unable to maintain conifers or remove garden outbuildings given the closed access.

### Support

- Applicant has cleared the application site over a number of years.
- Neighbouring properties use the front driveways for parking.
- No Japanese knotweed present on site or in the applicant's garden.

## Officers report

The proposal is for the change of use from open space to private garden ground and erection of a fence (in retrospect), the site is located west of 8 Cannop Crescent, Stoneyburn and is accessed via a track alongside number 10 Cannop Crescent.

The site is approximately 208sqm in area and has been divided by the erection of a 1.8m fence. The site historically has been overgrown and the applicant wishes to change the use of the land to garden ground. The proposal would enhance the appearance of an overgrown site that is surrounded by residential properties.



The application site has no recreational/ecological value and has limited visual amenity given its location. The agent has confirmed that no Japanese knotweed was present on site and if found this will be treated accordingly.

Roads & Transportation has no objection to the proposal.

The proposal is acceptable given that it is in accordance with both policy DES1 - (Design Principles) and policy ENV21 (Protection of formal and informal open space) of the local development plan.

It is recommended that planning permission be granted.

<b>Ref. No.:</b>	1085/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	6 Sutherland Crescent, Bathgate, West Lothian, EH48 1EB, (Grid Ref: 297912,668456)		
<b>Applicant:</b>	Mr L Pringle & Miss S Beaton	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -  
- Impact on privacy as a result of dormer extension.

### **Officers report**

This application proposes an extension and the formation of a dormer window on the property at 6 Sutherland Crescent, Bathgate.

The proposed works have been revised and reduced in width to the rear, in order to slightly reduce the overall footprint in the rear garden and move it further away from the northern neighbouring boundary.

The proposed extension will now measure 6.140m x 5.820m to the rear and 1.820m x 6.000m (internal dimension) on the northern (side) elevation. The proposed works will measure 3.050m in overall height to the eaves of the flat roof. The proposed extension will feature two windows within the side elevation which will overlook the applicants' own driveway and the northern boundary, which is sufficiently screened with hedging, greenery and a neighbouring garage. In addition, the neighbouring property to the north sits on a slightly higher level and therefore the proposed side windows will not directly overlook any neighbouring property to a significant extent or any more than is caused by the current side windows. Sliding patio doors are to be installed within the rear elevation of the extension which will open out onto and overlook the applicants' rear garden area.

The application also proposes the formation of a rear dormer which is to consist of a flat roof and will overlook the applicants' rear garage and garden area. The neighbouring property to the rear sits on a much higher ground level and the garden is again screened with heavy greenery which provides sufficient screening from the dormer extension. It is to be noted that there is sufficient distance between the proposed dormer windows and the windows of the neighbouring property and the proposed dormer adheres to guidance and is set back from the ridgeline, eaves, gable end and does not dominate the roof space of the existing property.

The materials proposed for both the extension and dormer are to match those of the existing property.

Although the works are of a larger scale, they have been revised slightly and will still allow for sufficient usable garden ground. In addition, the proposed works will not overshadow or overlook any neighbouring property to a significant extent. The works will still allow for suitable off-street parking and will appear subsidiary to the existing property. The proposed works will only be slightly visible from the main street but will not be detrimental to either the visual or residential amenity.

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.

Meeting Date - 17 February 2021  
Item No. 8

<b>Ref. No.:</b>	1122/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	35 Tippet Knowes Park, Winchburgh, West Lothian, EH52 6UR, (Grid Ref: 308345,675045)		
<b>Applicant:</b>	Mrs Frances Wilson	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  Two objections - - Impact on boundary hedge.			
<b><u>Officers report</u></b>  This planning application proposes a single storey rear extension onto the property located at 35 Tippet Knowes Park, Winchburgh.  The proposed extension is to measure 5.20m x 6.50m and will measure 5.20m in overall height. The works will also feature a vestibule which protrudes from the side elevation of the rear extension by 1.43m and is to measure 3.63m in overall height. The proposed extension will feature a window on the side elevation, which will not directly overlook any neighbouring property due to being a high-level window, and sliding patio doors on the rear elevation which will open out onto a small decking and will overlook the applicant's rear garden area.  The materials proposed for the works are to match those of the existing property.  The objection comment raises concerns with the existing boundary hedge being removed. The objection comment states that if the hedge should be removed, a new boundary fence should be considered in place. A condition will be attached to the decision notice stating that boundary details will be agreed and submitted to the planning authority for approval should the hedge be removed to ensure residential amenity is retained.  The proposed works are of an acceptable scale which will not directly overlook or overshadow any neighbouring property to a significant extent. The proposed works will appear subsidiary to the existing property and will not be detrimental to either the visual or residential amenity.  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.			







# Development Management

List of Delegated Decisions - 22nd January 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0902/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls (as amended)		
<b>Address:</b>	Winnock, Burnside Road, Bathgate, West Lothian, EH48 4PX (Grid Ref: 296983,669243)		
<b>Applicant:</b>	Mr & Mrs S Anderson	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope

## Summary of Representations

Three letters of objection -

- o Privacy concerns
- o Right of access concerns
- o Neighbours do not agree to any construction on the north boundary wall - including the garage door proposed.
- o Neighbouring annex is not included in the plans
- o Ongoing court action regarding boundary dispute
- o Detrimental impact on neighbouring properties' amenity
- o Boundary outline is inaccurate

## Officers report

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 3 metre high boundary wall. A second boundary wall, running north-south along the driveway, has been deleted from the proposals.

### Design and Materials

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.

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.

The proposed 3m boundary wall would continue an existing wall on the boundary that is attached to the existing dwelling and is considered appropriate in scale and design. The plans were revised to omit details of an additional boundary wall along the driveway.

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 and this part of the development could be carried out without the benefit of planning permission.

#### Privacy and Overlooking

The neighbouring property Burnside Cottage has no windows currently on the existing garage nor on the rear elevation that can be seen before the boundary enclosure. However there have been planning applications approved that install windows on the rear elevation of Burnside Cottage, as well as convert the garage to a habitable space and for this reason the agent has submitted a plan indicating the distances and angles to these window openings to ensure the development does not cause any privacy/overlooking concerns.

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.

Whilst the raised terrace is in an elevated position it does not directly overlook any neighbouring properties given its orientation and distance to neighbouring properties.

Therefore, there are no privacy or overlooking concerns with regards to the proposals.

#### Sunlight/Daylighting and Overshadowing

The proposals will not cause any significant loss of sunlight/daylight. 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

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

Parking will remain unaffected by the proposals.

#### Conclusion

This proposal, as amended, complies with policy DES 1 (Design Principles) within the West Lothian Local Development Plan, 2018 as well as complies with the appropriate guidance within guidance in the House Extension and Alteration Design Guide, 2020.

It is therefore recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0938/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the erection of a house		
<b>Address:</b>	17 Northwood Park, Deans, Livingston, West Lothian, EH54 8BD (Grid Ref: 302344,669549)		
<b>Applicant:</b>	Mr Jim Shields	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Matthew Watson

### **Summary of Representations**

Fourteen objections received:

- Overdevelopment of the area
- Traffic impact
- Loss of privacy
- Precedent

### **Officers report**

The application seeks planning permission in principle for the erection of a house and the division of a plot at 17 Northwood Park, Livingston.

Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (a) of the West Lothian Local Development Plan (LDP) states development should be in keeping with the character of the settlement and local area. Policy DES 1 (Design principles) of the LDP states "All development proposals will require to take account of and be integrated with the local context and built form".

The application is in a backland location by virtue of being located to side of the existing property with access taken off a shared driveway. Plots at the north west end of Northwood Park have been purposely laid out so they are larger plots with a bigger garden area. The proposal would result in a break from that spatial character. Furthermore, the division of plots with a shared access is not part of the spatial character of the area. Backland development is not part of the character of the area, nor is the division of plots with a shared access. The split of larger plots at the north west end of Northwood Park would be unacceptable break from the spatial character of the area. The proposal is therefore contrary to policies HOU 3 and DES 1 of the LDP.

The council's Environmental Health service has stated that a noise assessment is required to be submitted due to the impact of road noise from the M8. This assessment has not been submitted. In the absence of a noise assessment, the proposal is contrary to Policy EMG 5 (Noise) of the LDP.

The council's Flood Risk Management team has recommended that the applicant carry out a high level flood risk assessment due to potential for surface water flooding at the site. This assessment has not been submitted. In the absence of this information, the proposal is contrary to Policy EMG 2 (Flooding) of the LDP.

Overall, and in view of the above, the proposal is contrary to the policies and provisions of the development plan and it is recommended that planning permission in principle is refused.



<b>Ref. No.:</b>	1110/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house (including fence works)		
<b>Address:</b>	33 Alder Walk, Calderwood, East Calder, West Lothian, EH53 0FF (Grid Ref: 309017,668318)		
<b>Applicant:</b>	Mr C Wardman	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

**Summary of Representations**

5 objections:

- Overdevelopment,
- Usable garden ground/landscaping following works,
- Error in plans regarding existing external office,
- Impact on character of surrounding area,
- Impact on privacy/overlooking,
- Impact on visual amenity,
- Increase of hard landscaping.

**Officers report**

The proposed works propose to erect a rear extension and form a dormer window at the property 33 Alder Walk, Calderwood.

The proposed extension is to replace an existing rear extension which is to be demolished. The proposed replacement extension will extend the full length of the rear elevation and will measure 3.219m in overall height to the ridgeline of the proposed mono pitch roof. Part of the extension is to also consist of a flat roof measuring 2.670m in height. The extension will feature fixed windows and sliding patio doors on the rear elevations which will open out onto and overlook the applicant's rear garden area which is sufficiently screened with fencing.

The external wall materials proposed for the extension are to be a vertical timber and zinc cladding.

The works also look to install velux rooflights within the roof space and form a dormer extension measuring 3.927m on the rear elevation. The dormer will feature two windows and vertical cladding. The dormer window will overlook the rear garden and a large green space located to the rear of the site and will not directly overlook any neighbouring property.

The objection comments raise concerns regarding additional height which has been added to the existing boundary fence and about the erection of an outbuilding. The dimensions and models provided by the agent demonstrate that the outbuilding is classed as permitted development. However, the additional height added to the fence does require planning permission where located to the front of the property or where it exceeds 2m in height to the rear of the property.

The fence measures 2.150m and 1.900m to the side of the house and 2m at the rear of the property in which the additional height will not result in any significant overshadowing, will not be detrimental to the residential amenity and the additional height integrates with the existing fence.

The proposed extension is of an acceptable scale which will appear subsidiary to the existing property and will not overlook or overshadow any more than the existing rear extension which is to be taken down. The works will still allow for sufficient usable garden ground. The additional works, raised within the objection comments have also been considered as part of the application and the additional height of the fence has been assessed alongside the works proposed for the extension and dormer window.

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.

<b>Ref. No.:</b>	1130/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of garage with upper floor hobby accommodation		
<b>Address:</b>	Land At Gowanbank, Westfield, West Lothian, FK1 2JY (Grid Ref: 291613,671190)		
<b>Applicant:</b>	Mr Andrew Provan	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

Two objections were received –

- Gowanbank is Listed, Category A - the proposal should be refused on the grounds of application 0717/H/08 0912/FUL/09 & 0911/LBC/09.
- Access to the proposed outbuilding - suffers from flooding and increased traffic would worsen this regarding maintenance.
- Property burden states no additional buildings may be erected within the feu - no building has been at this site.
- Concerns regarding the end use as a hobby - no details of what this entails.
- Concerns with the height, scale and dominance which would be seen from the site and main road.
- Ground works have taken place and a neighbouring tree was removed.
- Will Historic Scotland be consulted on the proposals?
- Concerns regarding privacy from the proposed velux windows
- Building could change at a future date to a dwelling or business use.
- Upgrade of sewage system would be required and it would need to change to a commercial system - would notice be given to other landowners.

### **Officers report**

The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. The proposed development is for a one and half storey building to be used as a domestic garage on the ground floor with hobby accommodation on the upper floor. The applicant states that the garage would be used to store plant and equipment to maintain the woodland and ditches nearby and also for storage of cars.

The proposed building measures 17m in length by 8m wide with a ridge height of 7.2m and eaves height of 3.3m. The site would be accessed by a track that leads to Gowanbank. The proposed external materials of the building consist of natural coursed stone walls, slate roof, cast iron gutters with timber soffits and oak windows.

The site historically had temporary permission for a cabin and historic photographs provided by the applicant show part of a wall in this location. No building has occupied this site for many years. The site has been cleared by the applicant. It is not considered that the existing site detracts from the visual and environmental amenity of the surrounding area.

The proposed building has the scale and design characteristics of a house rather than an ancillary functional garage. The scale and design are similar to the existing houses at Gowanbank and the garage would be highly visible on the approach to these category A listed buildings. It is considered that there

is no justification for the scale and design of the proposed building given the rural location. The proposed building, by virtue of its position and design, would harm the setting of the category A listed buildings at Gowanbank.

Further, there are trees adjacent to the site and no assessment of impacts has been submitted. There are also no details of treatment and attenuation of surface water.

The proposal is contrary to the local development plan, specifically policies DES1 (Design principles), ENV3 (Development in the countryside), ENV9 (Woodlands and trees), ENV28 (Listed Buildings) and EMG3 (Sustainable Drainage).

It is thus recommended that planning permission be refused.





## Development Management

### List of Delegated Decisions - 29th January 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0768/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of 4 houses with associated access road and parking		
<b>Address:</b>	Land South Of 3 Burnvale, Broxburn, EH52 5PA, (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Mr Les Campbell LBC Developments	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren
<b><u>Summary of Representations</u></b>  There have been 2 objections received: <ul style="list-style-type: none"> <li>- Increased traffic</li> <li>- Over development of Burnvale</li> <li>- Access to the site for delivery vehicles and for the removal of spoil</li> <li>- Road and pedestrian safety</li> </ul>			
<b><u>Officers report</u></b>  The proposal is for the construction of 4 houses, 2 detached and 2 semi-detached, on land at 3 Burnvale. The site is within the settlement envelope of Burnvale in the adopted LDP and there was a previous planning permission in principle for the construction of 3 houses. The principle of developing this land for housing is acceptable. The introduction of a 4th house by means of replacing a detached house with two semi-detached properties does not significantly alter the principle of developing the land for residential purposes and will not result in a significant increase in vehicle movements to and from the site.  The houses are of a bespoke design and have been amended to reduce their overall height, minimising the scale of the roof line as originally			

proposed. The houses will re-use the brick from the demolished outbuildings as part of the finishing material, giving a direct relationship with the previous use of the site and helping to integrate the development within the surrounding area. The scale and design of the houses are appropriate and do not give rise to loss of privacy or impact on the residential amenity of neighbours.

The objections raised relate increased traffic, the over development of the area, access to the site for construction vehicles and maintenance of the road. Access to the site is via a private access therefore maintenance responsibilities are a legal matter between the developer/new owners and exiting residents. Transportation has been consulted and has raised no traffic concerns over the development.

Access to the site for construction vehicles is a site management issue however, a planning condition can be used to ensure the condition of the road is inspected in advance of the works and to ensure the access is kept clear of mud and repaired as necessary.

The proposal accords with the policies and provisions of the development plan, including DES1 (Design principles) and HOU3 (Infill housing in settlements) of the adopted LDP.

Recommendation is therefore to grant planning permission subject to conditions.

<b>Ref. No.:</b>	1063/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the demolition of sheds and erection of a house with paddock		
<b>Address:</b>	Lincroft, Hillhead, Westfield, Falkirk, West Lothian (Grid Ref: 291375,672002)		
<b>Applicant:</b>	R H Young	<b>Type:</b>	Local Application
<b>Ward:</b>	Armada & Blackridge	<b>Case Officer:</b>	Kirsty Hope

#### **Summary of Representations**

None

#### **Officers report**

The development site is located out with the settlement boundary and is identified as being located within the countryside. The proposed site currently has two agricultural sheds which are surplus to requirements and the agent has advised are in a state of disrepair and need to be demolished.

The plans note that the proposed dwelling would be sited where one of the agricultural sheds is located with a shared access to the site from the existing driveway for Lincroft. The property would have a garden surrounding the property and a paddock area to the north.

Policy ENV 2 (Housing in the countryside) sets out the criteria of which a house in the countryside will be considered against. Whilst it is noted that the site is brownfield land in which agricultural buildings are currently present on the site, it has not been demonstrated that there is no prospect of the site being able to be used for agriculture or indeed for woodland use. Splitting the site into smaller plots doesn't necessarily mean the use of the land could not be used for these purposes and does not justify building a house on the site. Therefore, it is considered that the proposal does not meet any of the exception criteria set within in Policy ENV 2. The proposal also, for the same reason, fails to meet the terms of the council's approved Supplementary Guidance, Development in the Countryside, 2019.

The application site cannot be easily be accessed by public transport or sustainable transport modes, which in turn would discourage active travel which is contrary to policy DES 1 (Design Principles) and NRG 1 - Climate Change and Sustainability.

The applicant has not submitted a site investigation report to demonstrate that the site has no adverse contaminated land issues. The proposal is therefore contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land).

It is noted that a suitably worded condition with regards to policy NRG 1a (Low and Zero Carbon Generating Technology) could be applied if the

application was to be supported and the development complied with all other local plan policies and guidance.

Contributions for Education and Cemetery provision would be secured through legal agreement should permission be granted.

In view of the above assessment, the development is not justified and therefore it is recommended that the application is refused.



<b>Ref. No.:</b>	1064/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the erection of a house		
<b>Address:</b>	Lincroft, Hillhead, Westfield, West Lothian, FK1 2NL (Grid Ref: 291375,672002)		
<b>Applicant:</b>	R H Young	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope
<b><u>Summary of Representations</u></b>			
None			
<b><u>Officers report</u></b>			
<p>The development site is located out with the settlement boundary and is identified as being located within the countryside. The proposed site currently has an agricultural shed of which is surplus to requirements and the agent has advised is in a state of disrepair and need to be demolished.</p> <p>The plans note that the proposed dwelling would be sited east of the existing shed, on the former yard area with a shared access to the site from the existing driveway. The property would have a garden north of the proposed location of the dwelling.</p> <p>Policy ENV 2 (Housing in the countryside) sets out the criteria of which a house in the countryside will be considered against. Whilst it is noted that the site is brownfield land in which agricultural buildings are currently present on the site, it has not been demonstrated that there is no prospect of the site being able to be used for agriculture or indeed for woodland use. Splitting the site into smaller plots doesn't necessarily mean the use of the land could not be used for these purposes and does not justify building a house on the site. Therefore, it is considered that the proposal does not meet any of the exception criteria set within in Policy ENV 2. The proposal also, for the same reason, fails to meet the terms of the council's approved Supplementary Guidance, Development in the Countryside, 2019.</p> <p>The application site cannot be easily be accessed by public transport or sustainable transport modes, which in turn would discourage active travel which is contrary to policy DES 1 (Design Principles) and NRG 1 (Climate Change and Sustainability).</p> <p>The applicant has not submitted a site investigation report to demonstrate that the site has no adverse contaminated land issues. The proposal is therefore contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land).</p> <p>It is noted that a suitably worded condition with regards to policy NRG 1a (Low and Zero Carbon Generating Technology) could be applied if the application was to be supported and the development complied with all other local plan policies and guidance.</p>			

Contributions for Education and Cemetery provision would be secured through legal agreement should permission be granted.

In view of the above assessment, the development is not justified and therefore it is recommended that the application is refused.

<b>Ref. No.:</b>	1087/LBC/20	<b>Recommendation:</b>	Refuse Listed Building Consent
<b>Proposal:</b>	Listed building consent for the installation of retractable awning to shopfront and associated adjustments to existing shopfront signage		
<b>Address:</b>	47 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300330,677110)		
<b>Applicant:</b>	Mr Steven Wilson Cafe Taste	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Claire Johnston
<b><u>Summary of Representations</u></b>			
No representations received			
<b><u>Officers report</u></b>			
<p>The proposed development would see the introduction of an awning onto the principle elevation of a B listed building within the Linlithgow Palace and High Street conservation area which faces North.</p> <p>The erection of an awning as proposed would constitute visual clutter and would neither preserve nor enhance the appearance of the building or the conservation area and it is therefore contrary to local development plan policies ENV24 (Conservation Areas) and ENV28 (Listed Buildings) and guidance on shopfront alterations in conservation areas.</p> <p>The application is recommended for refusal.</p>			

<b>Ref. No.:</b>	1088/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Installation of retractable awning		
<b>Address:</b>	47 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300330,677110)		
<b>Applicant:</b>	Mr Steven Wilson Cafe Taste	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Claire Johnston
<b><u>Summary of Representations</u></b>			
1 representation received in support of application.			
<b><u>Officers report</u></b>			
<p>The proposed development would see the introduction of an awning onto the principle elevation of a B listed building within the Linlithgow Palace and High Street conservation area which faces North.</p> <p>The erection of an awning as proposed would constitute visual clutter and would neither preserve nor enhance the appearance of the building or the conservation area and it is therefore contrary to local development plan policies ENV24 (Conservation Areas) and DES1 (Design Principles) and guidance on shopfront alterations in conservation areas.</p> <p>The application is recommended for refusal.</p>			



<b>Ref. No.:</b>	1136/H/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	First floor extension to house with alterations to windows		
<b>Address:</b>	Mallards, Winchburgh, West Lothian, EH52 6PX, (Grid Ref: 307729,675050)		
<b>Applicant:</b>	Mrs Gina Finch	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

#### **Summary of Representations**

N/A

#### **Officers report**

This planning application proposes a first floor extension and alterations to existing windows at the property Mallards, Winchburgh.

The first floor extension is to be erected on the east side of the existing property and is to measure 7.780m x 8.215m and is to measure 6.151m in overall height from ground level to the ridgeline of the proposed roof. The ridgeline of the proposed extension is to sit higher than the ridgeline of the existing property.

West Lothian Council's House Extension and Alteration Design Guide states that "two storey side extensions in particular must be designed to be subsidiary in appearance to the main house. The ridge line of the extension should normally be lower than the ridge of the roof of the main house."

It was requested that the ridgeline was revised and reduced in height to sit below the existing ridgeline and in order for the works to appear subsidiary to the main house. However, the applicant wishes for the ridgeline height to remain as is.

This proposal is therefore contrary to guidance and the proposed works will not integrate with the existing property as a result of the ridgeline. It has been noted although that several properties in the area consist of varying ridge heights, the proposed ridgeline will result in an overall scale which will not appear subsidiary and will be detrimental to the visual amenity. If the proposed ridgeline was to appear uniform with the existing ridgeline of the property, the proposal would be acceptable.

The application is contrary to Policy DES 1 (Design Principles) in the adopted West Lothian Local Development Plan and the Council's House Extension and Alteration Design Guide 2020. Therefore, it is recommended that this application is refused planning permission.

<b>Ref. No.:</b>	1159/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Two storey side extension and single storey rear sun lounge extension to house		
<b>Address:</b>	154 Langton View, East Calder, West Lothian, EH53 0RD, (Grid Ref: 309078,666788)		
<b>Applicant:</b>	Mr P KILGOUR	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -  
 - Concerns over position and height,  
 - Impact on natural light.

### **Officers report**

This planning application proposes a two storey side extension and a single storey rear extension at 154 Langton View, East Calder.

The proposed side extension is to measure 4.450m x 9.512m and will be 8.35m in overall height to the ridgeline of the proposed gable pitch roof, which is to sit level with the existing ridgeline of the property. The side extension is to feature a garage door and window on the front elevation and a window and a door on the rear elevation. The windows on the rear elevation will overlook the applicant's rear garden and a large open space to the rear. No neighbouring properties are situated to the rear of the site which will be overlooked.

The rear extension is to measure 3.000m x 5.125m and is to be 8.45m in overall height to the ridgeline of the mono pitch roof. The rear extension will feature patio doors in the rear elevation and a window in the side elevation which will overlook and open out onto the applicant's rear garden. The existing property sits forward of the neighbouring property located to the west, reducing any dominance on the boundary and any impact on overshadowing. The proposed rear extension will not overshadow any neighbouring property or garden to a significant extent and will extend right up to the neighbouring boundary, however it is to be noted that there is no legal prohibition to extending right up to your boundary.

The proposed site is screened with boundary fencing which will preserve neighbours' privacy.

The materials proposed for both the side and rear extensions are to match those of the existing property.

The proposed works are of an acceptable scale which will integrate with the existing property, will not overlook or overshadow any neighbouring property and will still allow for sufficient usable garden ground. The proposed works will not be detrimental to either the residential or visual amenity.

This proposal adheres to West Lothian Local Development Plan's 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.

<b>Ref. No.:</b>	1183/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Change of use from bookmakers (class 2) to cafe with hot food take away and erection of a flue		
<b>Address:</b>	18 Main Street, Deans, Livingston, West Lothian, EH54 8DF (Grid Ref: 302166,668553)		
<b>Applicant:</b>	Rhiannon Properties	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Alexander Calderwood

#### **Summary of Representations**

2 objections were received for this application.

The following list summarises the material planning issues raised (the full documents are contained in the application file):

- Implications for noise on nearby residential areas.
- Implications for odours on nearby residential areas.
- Implications for parking provision.

#### **Officers report**

This application seeks full planning permission for the change of use of a property from bookmakers to a cafe with hot food takeaway, and the erection of a flue. This involves a change of use from Class 2 (Financial, professional and other services) to Sui Generis (hot food takeaway). The site is located within the Deans Local Neighbourhood Centre.

West Lothian Local Development Plan 2018 (Relevant Policy)

#### Policy TCR1 - Town Centres

This policy states that proposals for retail will be supported in the sub regional centre and identified town centres where it can be demonstrated that the proposal is of the scale and type commensurate to the centre's role as set out in the network of centres. The application relates to a small scale retail proposal within an identified Local Neighbourhood Centre. It is of a scale which is characteristic of the area and fits the criteria of providing a local service. Therefore, the proposal complies with Policy TCR1.

#### Policy TCR2 - Town Centres First Sequential Approach

This policy states that new shopping facilities will be supported in local neighbourhood centres provided they do not undermine the vitality and viability of the sub-regional centre or any of the identified town centres. As previously established the application relates to a small scale retail proposal. Additionally, the application seeks permission for a hot food takeaway use. The combination of these two facts means that the development will not undermine the vitality and viability of the sub-regional centre (being Almondvale, Livingston) or any of the other identified town centres. Therefore, the policy complies with Policy TCR2.

#### Policy TCR3 - Commercial Entertainment and Hot Food Premises

This policy states that proposals for hot food shops in town or village centres, or in areas of predominantly non residential use, will be supported in principle. It must however be demonstrated that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirement can be satisfied.

The site falls within the Deans Local Neighbourhood Centre, and so is acceptable in principle. A couple of letters of representation were received which raised material planning considerations relating to the proposal's implications for noise, odours and parking. Roads and Transportation were consulted and confirmed that they had no objections to the proposal. Additionally, Environmental Health and Trading Standards were consulted, and confirmed that they did not object to the proposal subject to conditions relating to noise and odour be attached to the decision notice which is issued. This confirms that the development is acceptable as long as the conditions are attached and complied with. The proposal complies with Policy TCR3.

#### Policy DES1 - Design Principles

This policy states that new development is accessible as long as there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. The proposed flue is positioned on the rear roof pane and will be visible from the front elevation of the building above the ridge. It will not protrude any higher than the existing chimney pots, which are positioned at the gables of the building. Therefore, it will not have an overbearing presence on the existing building or the surrounding area and complies with Policy DES1.

The proposals therefore accord with the policies and provisions of the development plan and it is recommended that planning permission is granted.







DATA LABEL: OFFICIAL

# Development Management

List of Delegated Decisions - 5th February 2021

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0548/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use and extension to holiday chalet to form house, erection of free standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)		
<b>Address:</b>	Hillwood House, 3 Craigs Lodges, Linlithgow, West Lothian, EH49 6QF (Grid Ref: 297927,675610)		
<b>Applicant:</b>	Mrs Hilary McNutt	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Steven McLaren

## Summary of Representations

There have been no objections to this application.

## Officers report

Retrospective planning permission is sought for the change of use and extension of a holiday chalet to form house and associated garden ground, the erection of free-standing annexe building (which is being used as additional living accommodation) and alterations to ground levels, construction of timber walk ways, stairs and railings. The chalet was previously a modest 2 bedroom timber A-frame building forming part of a 10 unit holiday chalet park within a woodland setting to the west of Linlithgow.

The chalet was constructed in an elevated position on the side of a hill with an overhanging balcony and the applicant has utilised this change in level to build out and down from the ridge of the original building, maintaining the existing height of the chalet. The original building had a floor area of approximately 65sqm and this has been increased to approximately 155sqm over 2 floors with double height kitchen area. The annexe building is used as additional living accommodation and is some 51sqm in size. The physical alterations to the site are substantial and the new building when seen from the rear is an imposing structure.

The extension and the annexe building have both been completed in timber and despite the scale of the extension, it has been well executed. Had the alterations to the building and the annexe been submitted as an augmentation of the holiday park to accommodate larger families and to improve the quality of the accommodation then the works may have been considered acceptable as they fit within the context of the wooded area, subject to ensuring the privacy of the resident in the former manager's house was maintained.

Whilst the physical development could be considered appropriate within the setting of the chalet park, it is the change of use to residential and the overarching implication this would have for the remainder of the holiday park and other tourist accommodation. Planning permission in principle was granted for a 24 chalet holiday park in 1978. The concept of the development was for short term lets of up to 2 weeks during peak periods.

10 chalets were built under application 0831/FUL/92 and subsequent consents have been given to extend the chalet park, the most recent being 0573/FUL14 for 4 additional lodges, to be built adjacent to an earlier building, and a new manger's house. The current owner has intimated that the operation of the chalet business is a long term commitment. Whilst this current chalet has been sold, its change of use to a house would set an undesirable precedent, eroding the available tourist stock and reducing the number of chalets being managed from the approved new manager's house. The wider implications being that any tourist accommodation granted under council policies to encourage and support tourism in the countryside could simply become housing in the countryside.

There is no specific locational justification for the change of use of the site to residential. A separate planning application for the chalet extension and ancillary works should be submitted for consideration with the use remaining as short term tourist accommodation. The annexe should be removed from site and the ground reinstated, unless an application for its retention as tourist accommodation is submitted and approved.

The proposals are therefore contrary to policy ENV2 (housing development in the countryside) and Supplementary Guidance: Development in the Countryside, 2018 and recommendation is to refuse planning permission.

<b>Ref. No.:</b>	0910/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Permanent retention of temporary residential accommodation granted under planning permission 0687/FUL/16		
<b>Address:</b>	Northfield Farm, Fauldhouse, West Lothian, EH47 9AA, (Grid Ref: 294766,661955)		
<b>Applicant:</b>	Mr Kevin Sands Team Scotland Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

Three representations were received for this application:-

- No commercial access rights to the site
- Maintenance of the road access
- Concerns with regards increased traffic
- Threatening behaviours from applicant
- Need for staff on site and accuracy of number of horses on site
- Previous application 0634/FUL/19 - Inaccuracies in application and wrong address

### **Officers report**

This proposal is for the permanent retention of residential accommodation which was previously granted temporary planning permission under 0687/FUL/16. The accommodation is a one and a half storey log cabin with access provided from an existing private track. It is required in connection with an equestrian business that is operated at Northfield.

Northfield Stables provides horse boarding, horse training, and riding instruction services. The applicant has advised that they plan to expand the business to take in 10-12 boarded horses, 2-3 horses in training, and 2-3 lesson horses. Lessons will be provided in western riding (reining, barrel racing, and western pleasure) and English riding (dressage, jumping, eventing, and English pleasure).

The applicant has demonstrated investment as well as evidence of the business operating for 3 years successfully. It is considered there is a rural justification for the residential accommodation to be permanent.

It is therefore recommended that planning permission be granted.

<b>Ref. No.:</b>	1029/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Siting of a portable cabin for gym accomodation (in retrospect)		
<b>Address:</b>	Personal Best Gym, Mcneil Crescent, Armadale, West Lothian, EH48 2FZ (Grid Ref: 294028,668871)		
<b>Applicant:</b>	Mr Michael Smith	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope
<p><b><u>Summary of Representations</u></b></p> <p>One letter of objection received:</p> <ul style="list-style-type: none"> <li>- Concerns about hours of operation and noise</li> <li>- Plastic coverings may attract vermin</li> <li>- Lack of social distancing (covid19)</li> </ul>			
<p><b><u>Officers report</u></b></p> <p>This retrospective proposal is for a portable building that measures 9.8m by 3m in footprint and 2.95m in height. The location of the portable building is due south of the existing building which is currently occupied as a gym. The portable building will be used for gym accommodation.</p> <p>The proposal is considered to be in accordance with policy DES1 of the LDP as it would have no adverse impact on adjacent housing or on the streetscape in terms of its scale and massing. There is no privacy or overshadowing concerns. Parking will remain unaltered.</p> <p>The proposal is therefore considered acceptable and is recommended that planning permission be granted.</p>			

