



## ***Local Review Body***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

2 March 2021

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Wednesday 10 March 2021** at **11:00am**.

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 Local Review Body held on Wednesday 10 February 2021 (herewith).

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

5. Notice of Review Application No.0722/H/20 - Erection of garage (in retrospect) at 7 Craigengar Avenue, Uphall - report by
6. Notice of Review Application No.1136/H/20 - First floor extension to house with alterations to window at The Mallards, Winchburgh (herewith)

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DATA LABEL: Public

NOTE     **For further information please contact Val Johnston, Tel No.01506 281604 or eail [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 LOCAL REVIEW BODY held within WEBEX VIRTUAL MEETING ROOM, on 10 FEBRUARY 2021.

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

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the minute of its meeting held on 13 January 2021.

3. NOTICE OF REVIEW APPLICATION NO.0571/H/20 - CONTINUED SITING OF STORAGE CONTAINER AT LAURELBANK, ECCLESMACHAN

Prior to the consideration of the following items of business Winston Roberts, Legal Adviser to the Local Review Body provided some guidance to members regarding further procedure which included site visits. Mr Roberts explained to committee that on this occasion and due to the current Scottish Government guidance on Covid-19 the clerk had not exercised their delegated authority in relation to organising site visits prior to the first consideration of those applications before committee.

However it was open to committee to consider and determine acceptable alternative arrangements to site visits and could include the submission of Google maps or site photographs. However if committee did determine that a site visit was necessary then they would also have to consider when that could be safely and appropriately undertaken in light of the current restrictions.

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the siting of a storage container at Laurelbank, Ecclesmachan

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The committee decided that the review documents provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless

material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

#### Motion

To uphold the position of the Appointed Person and refuse the review application.

- Moved by the Chair and seconded by Councillor Willie Boyle

#### Amendment

To uphold the review application and grant temporary planning for a period of one year to allow time for the trees and vegetation at the application site to grow and mature in respect of visual amenity..

- Moved by Councillor David Tait and seconded by Councillor Yom Kerr

A roll call was taken. The result was as follows :-

#### Motion

Stuart Borrowman  
Willie Boyle  
Pauline Clark  
David Dodds  
Lawrence Fitzpatrick  
Charles Kennedy  
George Paul

#### Amendment

Tom Kerr  
David Tait

#### Decision

Following a vote the motion was successful by 7 votes to 2 and it was agreed accordingly.

4. NOTICE OF REVIEW APPLICATION NO.0697/FUL/20 - ERECTION OF A 422SQM BUILDING CONTAINING TWO RETAIL UNITS (CLASS 1) AND HOT FOOD TAKEAWAY WITH ASSOCIATED WORKS AT DIXON TERRACE, WHITBURN

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the erection of a 422sqm building containing two retail units (class 1) and hot food takeaway with associated works at Dixon Terrace, Whitburn

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

Motion

To continue the application to a future meeting of the committee until such time committee members could undertake a site visit in accordance with Scottish Government guidelines.

- Moved by Councillor David Tait and seconded by Councillor Charles Kennedy.

Amendment

To continue to hear the review application as there was sufficient information in the review papers to determine the review.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Stuart Borrowman

A roll call vote was taken. The result was as follow :-

Motion

Charles Kennedy  
David Tait

Amendment

Stuart Borrowman  
Willie Boyle  
Pauline Clark  
David Dodds  
Lawrence Fitzpatrick  
Tom Kerr  
George Paul

Decision

Following a vote the amendment was successful by 7 votes to 2 and it was agreed accordingly.

Following the vote both Councillors David Tait and Charles Kennedy took no further part in the discussion or determination of the review application

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the decision of the Appointed Person and refuse the review application.

Councillor Pauline Clark having moved an alternative position but which did not receive a seconder had her dissent to the decision record.

Councillor Lawrence Fitzpatrick left the meeting at 13.05 and took no further part in the remaining items of business.

5. NOTICE OF REVIEW APPLICATION NO.0809/H/20 - INSTALLATION A DORMER AND ALTERATIONS TO HOUSE AT 16 CANNOP CRESCENT, STONEYBURN

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the installation a dormer and alterations to house at 16 Cannop Crescent, Stoneyburn.

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The committee decided that the review documents provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the review application and grant planning permission subject to draft conditions as the proposal did conform to DES1 of the West Lothian Local Development Plan in that the application site was semi-rural in nature; there was no visual or amenity impact on neighbouring properties; and the design was sympathetic to the age of the building.

Councillor George Paul having moved an alternative position which did not receive a seconder had his dissent to the decision recorded.



## **LOCAL REVIEW BODY**

### **APPLICATION NO.0722/H/20 – ERECTION OF GARAGE (IN RETROSPECT) AT 7 CRAIGNENGAR AVENUE, UPHALL**

### **REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY**

#### **A PURPOSE OF REPORT**

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission (in retrospect) for the erection of garage at 7 Craignengar Avenue, Uphall

#### **B REVIEW DOCUMENTS**

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 19 January 2021. This also includes a supporting statement, a copy of the Decision Notice, a copy of the original planning application, a copy of the Handling Report, a location plan and a selection of colour photographs.
2. The Handling Report, prepared by the Planning Case Officer, dated 27 October 2020.
3. The Decision Notice, issued by the Appointed Person, dated 27 October 2020.

No representations to the application have been received.

The applicant has stated in the review application that no new matters have been raised.

The applicant has stated, in the review application, that they consider that the most appropriate procedure for the handling of the review is the inspection of the land that is subject to the review.

#### **C SITE VISITS**

The Clerk to the Local Review Body, in consultation with the Chair, has delegated authority to determine if a site visit should take place, as further procedure, prior to the first hearing of the review application. In light of current Scottish Government Covid-19 guidance to 'stay at home, except for essential purposes' the Clerk has elected not to exercise their delegated authority in

respect of this application. Members will not therefore require to have undertaken a site visit prior to the first hearing of this review application. Note that this does not preclude Members from determining that a site visit is required, as further procedure, during their consideration of the review application.

## **D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

The application for planning permission was assessed in terms of Local Development Plan Policy DES1 (Design Principles) and West Lothian Council's Supplementary Planning Guidance on House Extension and Alteration Design Guide, 2020. A copy of DES1 is attached to this report at Appendix 1 and the House Extension and Alteration Design Guide 2020 can be accessed by clicking [here](#)

The erected garage sits forward of the main building line of the existing property, measures 2.9m x 4.3m, and is 2.45m in overall height. The external materials used for the garage are a pebble dash render and red roof tiles.

The Appointed Person is of the opinion that the external materials do not match those of existing or neighbouring properties, nor do they complement the existing dwelling. The Appointed Person also considers that the location of the garage does not relate to the existing house as garages should not extend to the front of the established building line

The Appointed Person is of the opinion that the erected garage, by virtue of its design and location, appears prominent within the main street and significantly impacts upon the visual amenity of the existing house. The garage sits beyond the main building line of the property and the materials do not integrate with the existing house. The Appointed Person therefore considers that the proposal is contrary to West Lothian Local Plan Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guide, 2020.

## **E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre  
Tel No. 01506 284730, [Lesley.montague@westlothian.gov.uk](mailto:Lesley.montague@westlothian.gov.uk)

Date: 10 March 2021

## **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 the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.



# The Scottish Government

## Planning and Environmental Appeals Division

### Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE      100297064-002

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

### Appellant or Agent Details

Are you an appellant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this appeal)

☒ Appellant ☐ Agent

### Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Duncan"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Howard"/>	Address 1 (Street): *	<input type="text" value="Craigengar Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Uphall"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Broxburn"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH52 5SQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

7 CRAIGENGAR AVENUE

Address 2:

UPHALL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BROXBURN

Post Code:

EH52 5SQ

Please identify/describe the location of the site or sites

Northing

671660

Easting

306562

## Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): \*  
(Max 500 characters)

The original application was a request for retrospective planning permission following the erection of a concrete panel garage in the existing front garden of the property.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for Planning Permission (including householder application – excluding application to work minerals).
- ☐ Application for Certificate of Lawfulness.
- ☐ Application for Listed Building Consent.
- ☐ Application for Conservation Area Consent.
- ☐ Application for Advertisement Consent.
- ☐ Application for Prior Approval.
- ☐ Application for Tree Works Consent.
- ☐ Application for Certificate of Appropriate Alternative Development.
- ☐ Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? \*

- ☒ Application for Planning Permission.
- ☐ Application for Planning Permission in principle.
- ☐ A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- ☐ Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision – deemed refusal (NB: This does not apply to Prior Approvals).

## Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: \* (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

Our main point of appeal relates to the refusal on grounds of location as we are aware of a local instance where planning permission has been agreed for a garage/outbuilding that is fully in front of the main building line. We therefore feel the decision that has been made is unfair, given that there were no local objections or concerns. With regards to the styling we have been working with the authority to address these concerns, and I believe we are close to resolution in this regard.

Have you raised any matters which were not before the planning authority at the time the decision  
You are appealing against was made? \*

☐ Yes ☒ No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: \* (Max 500 characters)

Document 1: 210119 Statement of Appeal - Howard Document 2: Notice of Refusal Document 3: Copy of original planning application Document 4: Original submitted plans Document 5: Authority Handling Report

Are you providing a separate statement of your Grounds of Appeal? \*

☒ Yes ☐ No

If Yes then please be prepared to upload this when you reach the end of the form.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

0722/H/20

What date was the application submitted to the planning authority? \*

26/08/2020

What date was the decision or certificate issued by the planning authority? \*

27/10/2020

## Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? \*

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

This will address the element regarding the inappropriate recommended location of the garage as suggested by the planning authority.

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

There is a gate to the side of the property that is generally locked - however given notice this can be left open.

## Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site? ☐ Yes ☒ No

## Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

- Are you submitting a supplementary statement with your grounds of appeal? \* ☒ Yes ☐ No
- If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. \* ☐ Submitted ☒ Not Applicable
- Copy of Plans/Drawing \* ☒ Yes ☐ No
- Copy of planning authority decision notice (if no decision then this is deemed as a refusal). \* ☒ Yes ☐ No ☐ No decision
- A copy of original application form and if applicable include certificates relating to land ownership. \* ☒ Yes ☐ No
- Other documents, materials and evidence which you intend to rely on. \* ☐ Yes ☒ No
- The Report of Handling prepared by the planning authority in respect of your application, where one exists. \* ☒ Yes ☐ No

## Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Duncan Howard

Declaration Date: 19/01/2021

## Document 1: 210119 Statement of Appeal – Howard

The initial decision notification and subsequent correspondence with the Planning Department raised two specific issues:

- 1) The external style and
- 2) The location of the garage.

Regarding point 1) We have tried to work with the planning authority to address the issues raised, specifically:

- a) External rendering - I believe we have come to an agreement in this regard. With suggested changes to the external render styling to be implemented, subject to the result of this appeal, and as soon as practically possible following the end of the current lockdown.
- b) Roofing Materials – The request was for the roof tiles to be changed to match the existing property. Through correspondence I explained they were of similar colour and the main property are simply aged, this has not been mentioned further, so I assume it to be resolved.

Regarding point 2) This is main point and purpose of this appeal. The decision notice states the position of the garage is a breach of planning as it extends beyond the building line of the main property. Through lengthy correspondence with the case-officer it appears that it is a breach of planning guidelines rather than breach of specific policy – though despite repeated queries this remains unclear as do the factors that are taken in to account when building location is being considered.

As background, the original planning application was retrospective, as it was believed the garage was covered by 'permitted development' rules. The location was chosen to make best use of the available space, ensure the garage has practical value, and to minimise impact on neighbouring properties/footpaths.

Our correspondence with the case officer suggests the main concern is that it extends beyond the main building line (approx. 70cm at one corner), with a secondary concern that it is not parallel to the main property. The suggestion from the planning officer is to move the garage behind the main building line and parallel to the main property. Following this advice in the available space would inevitably mean the garage is closer to neighbouring properties, exiting the garage at best would potentially encroach a public footpath, and at worst would be prevented, due to an adjacent streetlamp.

In terms of the impact on surrounding properties, we would consider soft landscaping to hide the garage, though we have had nothing but positive feedback from our neighbours, and feel it is worth noting that no objections were received to the original planning. It seems those experiencing the garage daily are happy or at least net neutral, and we are stuck on a planning guideline that could be considered to be subjective.

As I am aware of a property within 5 minutes' walk of my own home that has a garage fully in front of the main building line for which planning permission was granted I find the refusal of my planning request somewhat disappointing, and hope this appeal will be upheld.

We are appealing against the decision as



## DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

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West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

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**APPLICATION REFERENCE** 0722/H/20

**PROPOSAL** Erection of garage (in retrospect)

**LOCATION** 7 Craigengar Avenue, Uphall, West Lothian, EH52 5SQ, (GRID REF: 306562, 671660)

**APPLICANT** Mr Duncan Howard, 7 Craigengar Avenue, Uphall, West Lothian, EH52 5SQ

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The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:**  
**27.10.2020**

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

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

**Signature:**



DATA LABEL: PUBLIC

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0722/H/20, for the reason(s) set out as follows:**

- 1 The erected garage, by virtue of its design and location, will appear prominent within the main street and significantly impacts upon the visual amenity of the existing house. The garage sits beyond the main building line of the property and the materials do not integrate with the existing house. This proposal is therefore contrary to West Lothian Local Development Plan Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that the application is refused planning permission.

**ADVISORY NOTES TO DEVELOPER**

***How to challenge the council's Decision***

*If your application was determined under delegated powers as a local application by an officer appointed by the council 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 and in any other case you can seek an appeal of that decision to the 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>*

***If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.***

***Notification of the start 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. 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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Notification of completion of development***

*The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Contaminated land procedures***

*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 council's 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 Council's web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>*

### ***Liaison with the Coal Authority***

*As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.*

*Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.*

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).*

### ***Advisory note to developer - General***

*Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.*

### **Annex 1, Schedule of Plans - 0722/H/20**

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	-
2	Site Plan	-
3	Photograph	-
4	Photograph	-
5	Photograph	-
6	Photograph	-



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100297064-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Lay a concrete foundation pad and erect a single story concrete sectional garage in the existing front/side garden of the property.

Has the work already been started and/ or completed? \*

☐ No ☐ Yes - Started ☒ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

13/08/2020

Please explain why work has taken place in advance of making this application: \*  
(Max 500 characters)

Following an informal enquiry with West Lothian Council, and looking at the Council website, I believed this development was allowed under the 'Permitted Development' rules. It was only following an enquiry from the Planning Enforcement Team that I became aware that Planning permission was required.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Duncan"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Howard"/>	Address 1 (Street): *	<input type="text" value="Craigengar Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Uphall"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Broxburn"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH52 5SQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:	<input type="text" value="West Lothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="7 CRAIGENGAR AVENUE"/>
Address 2:	<input type="text" value="UPHALL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BROXBURN"/>
Post Code:	<input type="text" value="EH52 5SQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671660"/>	Easting	<input type="text" value="306562"/>
----------	-------------------------------------	---------	-------------------------------------

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Duncan Howard

On behalf of:

Date: 22/08/2020

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \* ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \* ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \* ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? \* ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? \* ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? \* ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- ☐ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \* ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Duncan Howard

Declaration Date: 25/08/2020

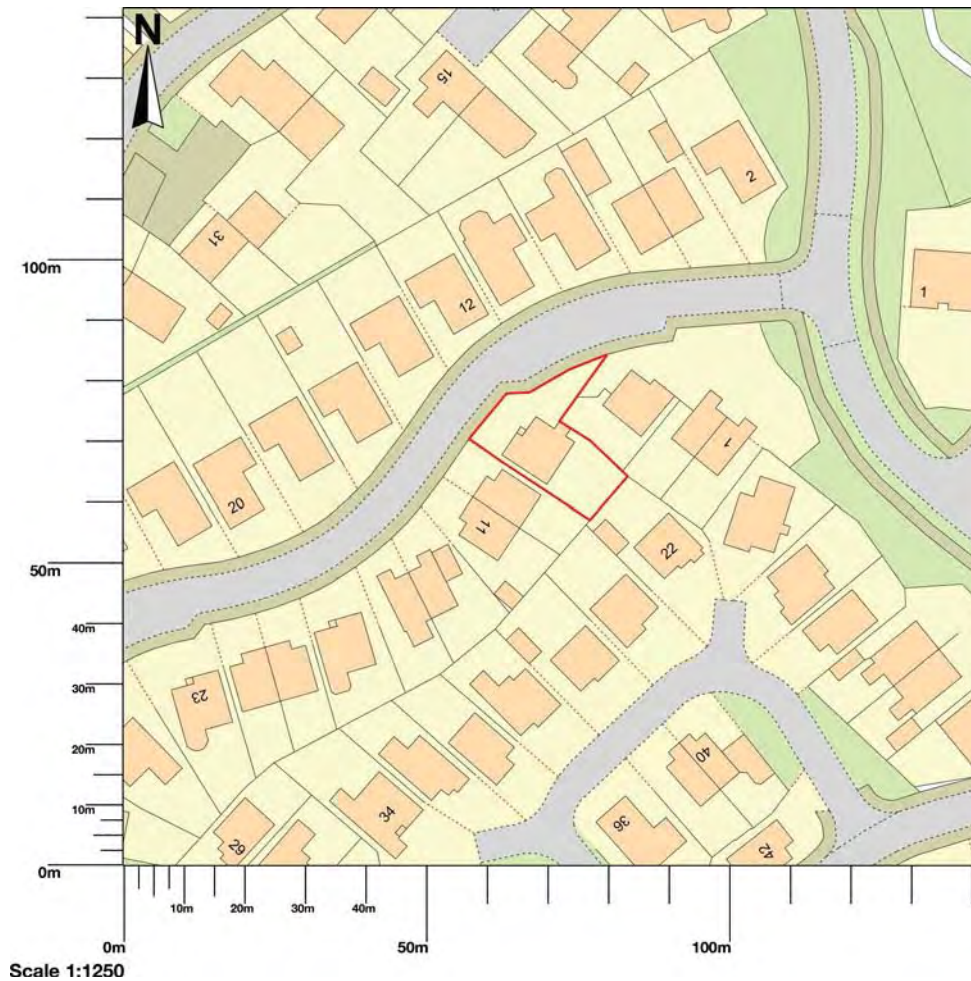
## Payment Details

Online payment: 017350

Payment date: 25/08/2020 20:07:00

Created: 25/08/2020 20:07

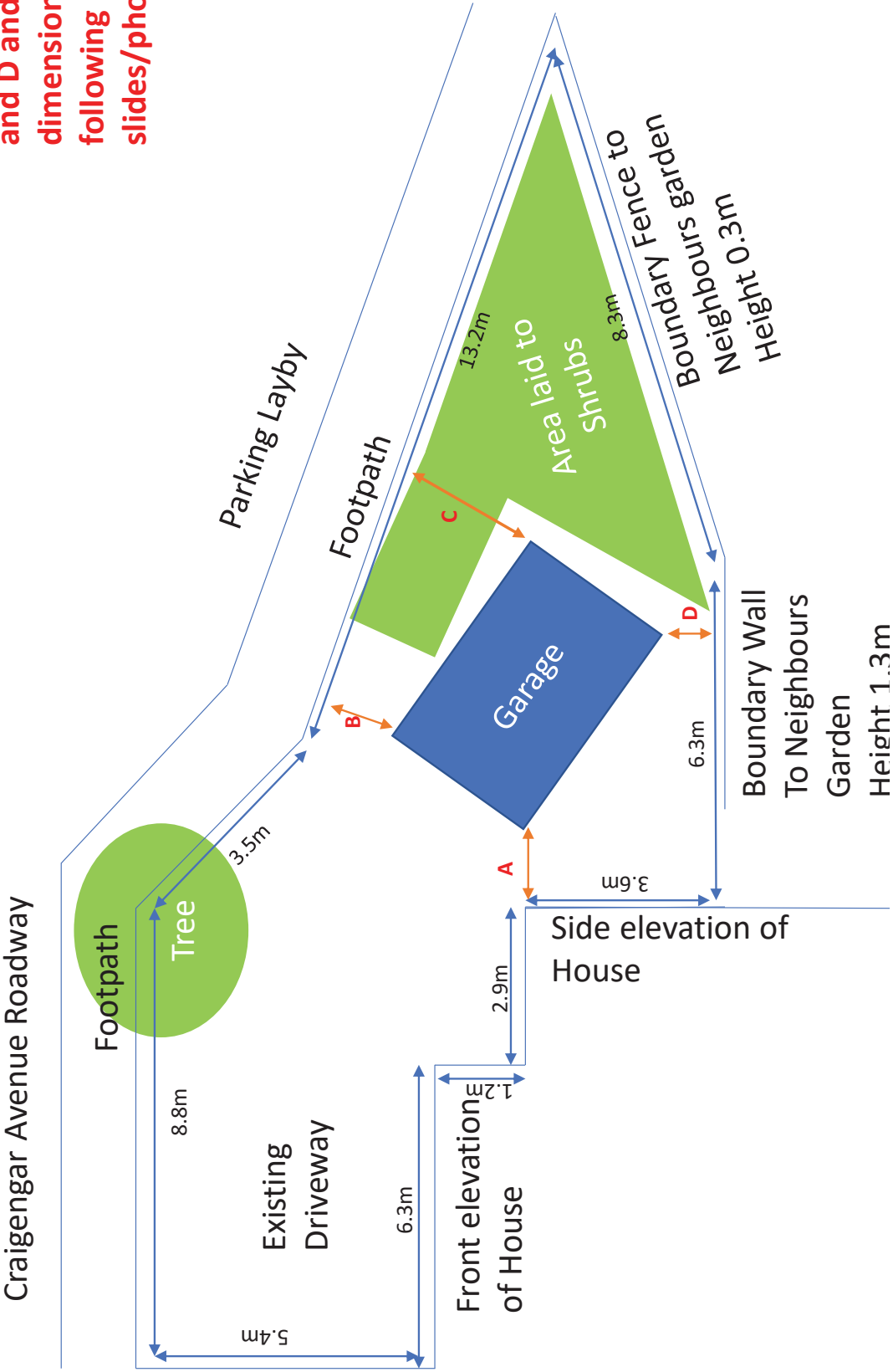
## 7 Craigengar Avenue, Uphall, Broxburn, EH52 5SQ



Map area bounded by: 306493,671592 306635,671734. Produced on 22 August 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/497523/674595

Site Map of Location of Garage @ 7 Craigengar Avenue  
NB: Not to Scale

For distances A,B,C,  
and D and other  
dimensions see  
following  
slides/photos.



- Distance from House: A = 1.25m
- Garage width: E = 2.9m





Distance from front elevation to boundary: B = 0.85m

Distance from rear elevation to boundary: C = 1.9m

Height to eaves lowest point: F = 2.1m

Height to eaves highest point: G = 2.45m

- Distance from rear elevation to boundary wall:  $D = 0.6\text{m}$
- Garage length:  $H = 4.3\text{m}$
- Height of existing wall:  $I = 1.3\text{m}$



- Height of rear elevation from ground level: J = 2.35m





DATA LABEL: PUBLIC

## HANDLING REPORT

<b>Ref. No.:</b>	0722/H/20	<b>Email:</b>	rachael.lyall@westlothian.gov.uk
<b>Case Officer:</b>	Rachael Lyall	<b>Tel No.:</b>	01506 281110
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Member:</b>	Angela Doran Chris Horne Diane Calder Janet Campbell
<b>Title</b>	Erection of garage (in retrospect)(Grid Ref: 306562,671660) at 7 Craigengar Avenue,Uphall,West Lothian,EH52 5SQ		
<b>Application Type</b>	Local Application		
<b>Decision Level</b>	Delegated List		
<b>Site Visit</b>	(Photo's submitted)		
<b>Recommendation</b>	Refuse Permission		
<b>Decision</b>	Refuse Permission		
<b>Neighbour Notification</b>	Neighbour notification procedures have been carried out correctly - case officer verification. YES		
<b>Advertisement</b>	N/A		
<b>EIA Screening</b>	Does the development require EIA screening - No		

## Description of Proposals

Erection of garage (in retrospect).

## Site History

No relevant site history.

## Representations

0 Representations were received for this application.

This is a summary of the representations received. The full documents are contained in the application file.

## Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Enforcement Team	X	X	X

## Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	<p>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 the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none"> <li>a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;</li> <li>b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;</li> <li>c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;</li> <li>d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;</li> <li>e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;</li> <li>f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;</li> <li>g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and</li> <li>h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.</li> </ul> <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>

## Policy Assessment

West Lothian Council's Local Development Plan, Policy DES1 (Design Principles),  
West Lothian Council Supplementary Guidance on House Extension and Alteration Design.

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## Officer Assessment

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This planning application seeks permission for a retrospective garage at the property 7 Craigengar Avenue, Uphall. The proposed garage sits forward of the main building line of the existing property and measures 2.9m x 4.3m and is 2.45m in overall height. The external materials which have been used for the garage are a pebble dash render and brick red roof tiles which do not match the external materials of the existing or neighbouring properties. West Lothian Council's House Extension and Alteration Design Guide states that developments should not generally project in front of the principal elevation of the existing building and that external materials and finishes should normally match those of the existing building. Where other materials are proposed, they should compliment the existing dwelling. The materials used do not compliment the existing dwelling and the retrospective garage significantly impacts upon the visual amenity of the street scene and does not integrate with the surroundings. In addition, the location of the garage does not relate to the existing house. Garages should not extend in front of the established building line.

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## Conclusions and Reasons for Decision

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

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## List of Review Documents

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Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	-
2	Site Plan	-
3	Photograph	-
4	Photograph	-
5	Photograph	-
6	Photograph	-

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer – Rachael Lyaall

Date – 27/10/2020



## DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

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West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

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**APPLICATION REFERENCE** 0722/H/20

**PROPOSAL** Erection of garage (in retrospect)

**LOCATION** 7 Craigengar Avenue, Uphall, West Lothian, EH52 5SQ, (GRID REF: 306562, 671660)

**APPLICANT** Mr Duncan Howard, 7 Craigengar Avenue, Uphall, West Lothian, EH52 5SQ

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The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:**  
**27.10.2020**

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

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

**Signature:**

A handwritten signature in black ink, appearing to read 'Craig McCorriston', written over a light blue horizontal line.

DATA LABEL: PUBLIC

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0722/H/20, for the reason(s) set out as follows:**

- 1 The erected garage, by virtue of its design and location, will appear prominent within the main street and significantly impacts upon the visual amenity of the existing house. The garage sits beyond the main building line of the property and the materials do not integrate with the existing house. This proposal is therefore contrary to West Lothian Local Development Plan Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that the application is refused planning permission.

**ADVISORY NOTES TO DEVELOPER**

***How to challenge the council's Decision***

*If your application was determined under delegated powers as a local application by an officer appointed by the council 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 and in any other case you can seek an appeal of that decision to the 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>*

***If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.***

***Notification of the start 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. 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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Notification of completion of development***

*The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Contaminated land procedures***

*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 council's 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 Council's web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>*

### **Liaison with the Coal Authority**

*As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.*

*Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.*

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).*

### **Advisory note to developer - General**

*Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.*

### **Annex 1, Schedule of Plans - 0722/H/20**

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	-
2	Site Plan	-
3	Photograph	-
4	Photograph	-
5	Photograph	-
6	Photograph	-



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

Our Ref: 0722/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. Within four (4) weeks of the decision, full details and samples of the materials to be used as external finishes on the garage shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

Reason: In the interest of visual amenity.

2. Within six (6) months, the garage shall be implemented in accordance with the details as approved in condition 1.

Reason: In the interest of visual amenity and planning control.

**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>

## WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

### MEETING CHECKLIST

#### Questions to Committee

1	Are there any factual disputes to be resolved?	Yes or No	If Yes handover to the Planning Adviser/Legal Adviser If No proceed to next question
2	Do we have enough information to determine the application?	Yes or No	If Yes move to Q5 If No proceed to next question
3	If additional information is needed what is that and how do we get it?	Written Submissions or Hearing Session	
4	How long do we need to continue the review to allow the additional information to be provided?	One or two cycles	
5	Has any new material been provided by the applicant?	Yes or No	If yes handover to the Planning Adviser/Legal Adviser

#### Move to Questions from Committee

#### Move to Comments from Committee

### DETERMINATION

6	Does the application conform with or breach any of the development plan policies?	If so which policies apply	
7	Decide as per development plan unless justified by material considerations – what are the material considerations?	Any material considerations	
8	In applying the statutory test, what is the decision (each member decides leading to motion and possibly amendment(s))?		
9	Members must provide planning reasons for motion and any amendment as well as for decision letter and minute		
10	Go to vote (if necessary) – this will be conducted by the Legal Adviser		





## **LOCAL REVIEW BODY**

### **APPLICATION NO.1136/H/20 – FIRST FLOOR EXTENSION TO HOUSE WITH ALTERATIONS TO WINDOWS AT MALLARDS, WINCHBURGH, WEST LOTHIAN**

### **REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY**

#### **A PURPOSE OF REPORT**

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for a first-floor extension to house with alterations to windows at the Mallards, Winchburgh.

#### **B REVIEW DOCUMENTS**

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant's agent, dated 14 February 2021. This also includes a supporting statement, a selection of colour photographs, side and front elevations, location plans and proposed layout floor plan.
2. The Handling Report, prepared by the Planning Case Officer, dated 8 February 2021.
3. The Decision Notice, issued by the Appointed Person, dated 8 February 2021.

No representations to the application have been received.

The applicant's agent has stated in the review application that no new matters have been raised.

The applicant's agent has stated, in the review application, that they consider that the review can be determined by conducting a site visit.

#### **C SITE VISITS**

The Clerk to the Local Review Body, in consultation with the Chair, has delegated authority to determine that a site visit should take place, as further procedure, prior to the first hearing of the review application. In light of current Scottish Government Covid-19 guidance to 'stay at home, except for essential purposes' the Clerk has elected not to exercise their discretion in respect of

this application. Members will not therefore require to have undertaken a site visit prior to the first hearing of this review application. Note that this does not preclude Members from determining that a site visit is required, as further procedure, during their consideration.

## **D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

The application for planning permission was assessed by the Appointed Person in terms of Local Development Plan Policy DES1 (Design Principles) and West Lothian Council's Supplementary Planning Guidance on House Extension and Alteration Design, 2020. A copy of DES1 is attached to this report at Appendix 1 and the House Extension and Alteration Design Guide 2020 can be accessed by clicking [here](#)

The Appointed Person noted that the first-floor extension is to be erected on the east side of the existing property and its to measure 7.780m x 8.215m, and be 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 the "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".

The Appointed Person considered that the proposal, by virtue of its overall height and scale, would have a significant detrimental impact on the visual amenity of the existing property and its ridgeline will not allow for the works to appear subsidiary to the main house. The proposal is therefore contrary to policy DES1 (Design Principles) of West Lothian Council's adopted Local Development Plan and West Lothian Council's House Extension and Alteration Guidelines, 2020.

## **E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre  
Tel No. 01506 284730, Lesley. montague@westlothian.gov.uk

Date: 10 March 2021

## **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 the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

## NOTICE OF REVIEW

### (LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

**Use BLOCK CAPITALS if you are completing the form by hand.**

<b>PART A</b>	<b>APPLICANT'S DETAILS</b>	Name <u>Mrs Gina Finch</u>  Address <u>The Mallards, Glendevon Farm,</u> <u>Winchburgh, West Lothian</u>  Postcode <u>EH52 6PX</u>  Telephone No. (1) <u>[REDACTED]</u> Telephone No. (2) _____  Fax : _____  E-mail : <u>[REDACTED]</u>
	<b>REPRESENTATIVE (if any)</b>	Name <u>Gail Halvorsen, Halvorsen Architects</u>  Address <u>Mountskip House,</u> <u>Gorebridge, Midlothian</u>  Postcode <u>EH23 4NW</u>  Telephone No. (1) <u>[REDACTED]</u> Telephone No. (2) _____  Fax : _____  E-mail : <u>[REDACTED]</u>
	Please tick this box if you wish all contact to be through your representative. <span style="float: right;">Yes</span>	
	Do you agree to correspondence regarding your review being sent by e-mail? *YES	

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	1136/H/20
	<b>SITE ADDRESS</b>	The Mallards, Glendevon Farm, Winchburgh, West Lothian EH52 6PX
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	First floor extension, internal remodelling and alterations to window openings.
	<b>DATE OF APPLICATION</b>	30/11/2020
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	8/2/2021

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

**Type of Application** (please tick the appropriate box)

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

<b>PART C</b>	<b>TYPE OF REVIEW CASE</b>	<input checked="" type="checkbox"/>
	Refusal of application by appointed officer	<input type="checkbox"/>
	Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
	Conditions imposed on consent by appointed officer	<input type="checkbox"/>

Page 3

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.


#### List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	The Mallards - Reasons for Notice of Review
2.	The Mallards - Appendix A
3.	The Mallards - Appendix B
4.	The Mallards - Appendix B photo key
5.	The Mallards - Appendix C
6.	Location Plan
7.	Block Plan
8.	Ground floor plan
9.	First floor plan
10.	Roof plan
11.	North elevation
12.	South elevation

13. West elevation

14. East elevation

**PART D**

**REVIEW PROCEDURE**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties, without any further procedures?. For example, written submission, hearing session, site inspection \*

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Site inspection

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

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**SITE INSPECTION**

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

\*NO

Is it possible for the site to be accessed safely, and without barriers to entry?

\* YES

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

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<b>PART E</b>	<p><b>CHECKLIST</b></p> <p>Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.</p>
	<p><b>Full completion of all parts of this form</b></p> <div style="text-align: right; border: 1px solid black; width: 100px; height: 40px; display: flex; align-items: center; justify-content: center;">✓</div>
	<p><b>Statement of your reasons for requiring a review and matters to be raised</b></p> <div style="text-align: right; border: 1px solid black; width: 100px; height: 40px; display: flex; align-items: center; justify-content: center;">✓</div>
	<p><b>Statement of your preferred procedure</b></p> <div style="text-align: right; border: 1px solid black; width: 100px; height: 40px; display: flex; align-items: center; justify-content: center;">✓</div>
	<p><b>All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.</b></p> <div style="text-align: right; border: 1px solid black; width: 100px; height: 40px; display: flex; align-items: center; justify-content: center;">✓</div>
	<p>Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.</p>

**\*\*\*DECLARATION\*\*\***

I, the ~~applicant~~/agent\*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed Gail Halvorsen Date 14/2/2021

\* Delete as appropriate

Please email this completed form to :-

[committeeservices@westlothian.gov.uk](mailto:committeeservices@westlothian.gov.uk) or alternatively post to :-

Committee Services  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF



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Reasons for Notice of Review

## **The Mallards, Glendevon Farm, Winchburgh EH52 6PX**

In response to the Handling Report of 8/02/2021

This notice of review has been given in regards to the refusal of an extension to the detached house The Mallards. We do not agree with the planning assistant that the proposed ridge line of the second storey extension should be reduced in height so that it sits below the ridge line of the existing property.

Please note that there are no other contentious issues with this planning application.

### **Design options**

The Mallards is made up of three blocks – the original cottage, the single-storey western block; the central double height block built in 2009 and the single-storey eastern block also built in 2009.

A lot of different design options were considered for extending The Mallards. The proposal submitted was considered the simplest of the options. There were three ways of treating the vertically extended roof of the west end of the house:

1. Reduce the angle of the pitch for the extension roof \*;
2. Drop the eaves line of the extension roof;
3. Have a ridge line approximately 600mm above the ridge line of the central block.

\* due to the western block being wider than the central block a pitch of the same angle gives a higher roof.

No. 1 was considered unacceptable because the existing roof already has a very shallow pitch of 24 degrees. The pitch would need to be reduced to 16.5 degrees – aesthetically not pleasing and also bad practice for the existing concrete roof tiles.

No. 2 was investigated but we considered the lower eaves line more detrimental to the overall design than the higher ridge. (This is the preferred option of the planning officer). The fairly substantial eaves detail is a very dominant feature of the existing house and we considered that continuing that profile and that line was more important than the height of the ridge.

No. 3 was considered the best option – maintaining the existing eaves line. Due to the unique position of The Mallards the roof is only visible from a few angles due to the large pond to the South, the mature vegetation on most of the other sides, and a slight hill to the North. Typically one

is viewing the roof at an oblique angle, from ground level, and in our opinion the change in ridge line is less noticeable than the change in eaves line.

We have tried to demonstrate the difference between options 2 and 3 with views of a 3-D model of the house. Please refer to Appendix A.

NB this 3-D model was not made for presentational purposes but more to experiment with different volumes for different design options.

The existing attic space is the only storage area in this house, there being no garage or storage rooms/cupboards. If this space is reduced (which it would be with a lower ridge line) additional space would be sought elsewhere for storage and would probably require an additional floor space which we were trying to avoid.

## Remoteness of house

We are aware that under the current restrictions site visits are not always possible. We would therefore like to emphasise the remoteness of this property and the fact that it is barely visible from any public place.

The photographs in Appendix B are taken from most positions around the property to demonstrate this. Please also refer to Appendix B photo key - a map showing the positions from which each photograph was taken.

Please note that most of these are taken now, in winter. In summer the foliage makes the property even less visible.

## Local precedents

We have also included some examples of properties in the neighbourhood that have varying roof heights. It is our view that having different roof heights for The Mallards does not make the proposal out of keeping with surrounding buildings. It should also be noted that The Mallards has already been extended, and had that argument being used for the first extension, the property would have had to remain a bungalow.

## West Lothian Council's House Extension and Alteration Design Guide 2020

Most of the guidelines given in this document assume that the house is near other houses, either in a street or housing estate. Reference is given to 'streetscenes' and 'neighbours' houses'. As has been shown, The Mallards is not in a typical built-up location.

The only reference from the guidelines that the planning assistant has given for grounds for refusal is 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".

Because of the location of the proposal we do not consider the guidelines relevant in this case and note, even within the guidelines, the wording “should normally be lower”. This is not a normal situation.

Point 2.6 states "The extension should be of a scale that does not dominate the existing property". If one considers the North or South elevations (the principal elevations) the existing frontage is 100m<sup>2</sup> and the extension adds a further 23 m<sup>2</sup> (including roofs). In other words this extension increases the area by 23% which we do not consider excessive or dominating the existing property.

Please refer to the comparative ridge line study shown in Appendix C.

## Consultations

Please note that there were no consultations, no comments and no objections to this planning application.

## Conclusion

The only objection the planning assistant has to the proposed works is the ridge line being 670 mm higher than the guidelines recommend. Mallards is an exceptional case and we believe the guidelines are not relevant in this particular case.

## PHOTOMONTAGES



**EXISTING VIEW OF HOUSE FROM NORTH-EAST**



**PHOTOMONTAGE WITH EXTENSION**



**EXISTING VIEW OF HOUSE FROM SOUTH-WEST**



**PHOTOMONTAGE WITH EXTENSION**

## Examples of neighbouring roofs

These houses, the nearest in sight of The Mallards, also have varying and random roof heights.



**HOUSES ON GLENDEVON FARM ROAD (OVERLOOKING POND) WITH VARYING RIDGE LINES**



**GLENDEVON FARMHOUSE HAS A RANDOM SELECTION OF ROOF HEIGHTS ADDED AT VARIOUS TIMES**



## Appendix A

### The Mallards Notice of Review

#### Existing eaves details



The existing eaves are visually a very prominent part of the design of the house. Aligning the proposed eaves with these is considered more important than aligning the roof.





**HIGHER PROPOSED ROOF FROM SOUTH-WEST**

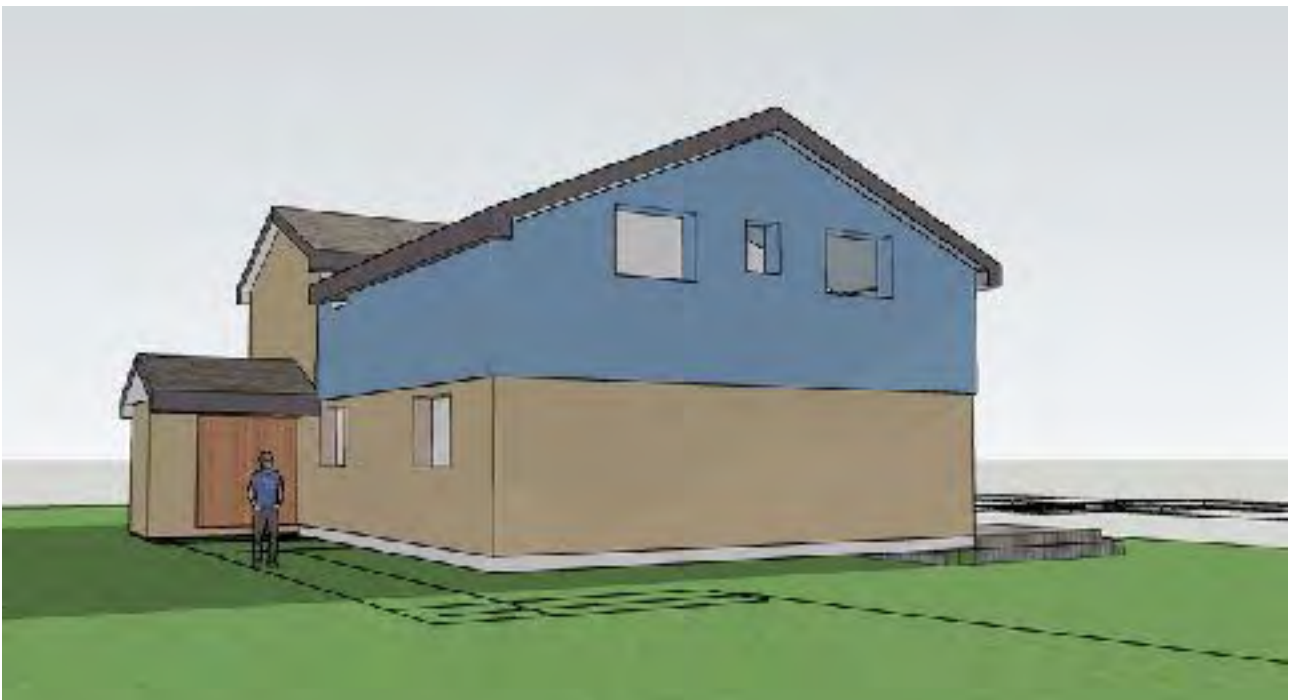


**LOWER ROOF FROM SOUTH-WEST**

The second image shows the roof as requested by the planning officer. From all near ground level positions the difference in the ridge line is barely noticeable, whereas the change in eaves line is more prominent.



**HIGHER PROPOSED ROOF FROM NORTH-WEST**



**LOWER ROOF FROM NORTH-WEST**

Again the second image shows the roof as requested by the planning officer. The difference in the ridge line is barely noticeable, whereas the change in eaves line is more prominent.

307,600 m. E.

307,700

307,800 m. E.

Meeting Date - 10 March 2021

Item No.6

# Appendix B

## Key to photographs

The Mallards Notice of Review

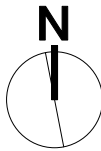
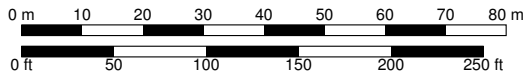
675,200 m. N.

675,100

675,000

674,900 m. N.

307,600 m. E.



Glendevon Cottage

Garage

Filling Station

Shelters

88.3m

Swanfield House

Mallards

Pond

Glendevon

HILLCREST

Waterside Cottage

Cynnet Cottage

Willow Cottage

Glendevon Steadings

Farm Cottage

Grieves Cott

GLENDEVON PADDOCKS

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Project:  
MALLARDS, GLENDEVON FARM

Drawing:  
KEY PLAN FOR PHOTOS

Drawing No:	Revision:	Date:	Scale:
MALL 011	-	10/2/21	1:2500@ A3



## Appendix B

### The Mallards Notice of Review

#### Outward looking photographs from The Mallards



**PHOTO 1: PANORAMIC VIEW FROM THE MALLARDS FROM THE WEST TO THE SOUTH**



**PHOTO 2: PANORAMIC VIEW FROM THE MALLARDS FROM SOUTH TO EAST**

## PHOTOGRAPHS TOWARDS THE MALLARDS



3



4



5



6

### PHOTOS 3-6

**THIS SERIES OF PHOTOGRAPHS SHOWS THE VIEW AS YOU HEAD SOUTH DOWN THE MAIN GLENDEVON FARM ROAD. IT IS NOT POSSIBLE TO SEE THE MALLARDS FROM THIS DIRECTION.**

The Mallards is hidden  
from view most of the year



**PHOTO 7 (MARCH-OCTOBER)**

**THE MALLARDS FROM THE APPROACH ROAD, GLENDEVON FARM ROAD, FROM THE SOUTH-EAST  
NB THIS IS THE ONLY PUBLIC PLACE FROM WHICH THE MALLARDS IS PARTIALLY VISIBLE -  
IN WINTER ONLY**



**PHOTO 7 (WINTER)**

**NB THE ONLY TIME THE MALLARDS IS VISIBLE FROM A PUBLIC PLACE**



**PHOTO 8**

**VIEW FROM FUTHER DOWN GLENDEVON FARM ROAD  
THE MALLARDS IS ONLY VISIBLE IN WINTER**



**PHOTO 9**

**VIEW FROM PRIVATE FIELD**

The Mallards



**PHOTO 10**

**VIEW FROM OLD RAILWAY LINE TO THE WEST OF POND WHICH IS SELDOM USED, EXCEPT BY  
SWANFIELD HOUSE**



**PHOTO 11**

**VIEW FROM PRIVATE FIELD  
THE MALLARDS IS HIDDEN FROM THE NORTH BY A LOW HILL**



**PHOTO 12**

**VIEW FROM THE NORTHEAST  
THE MALLARDS CAN ONLY BE SEEN AT A DISTANCE AT AN OBLIQUE ANGLE**

Comparative ridge height study

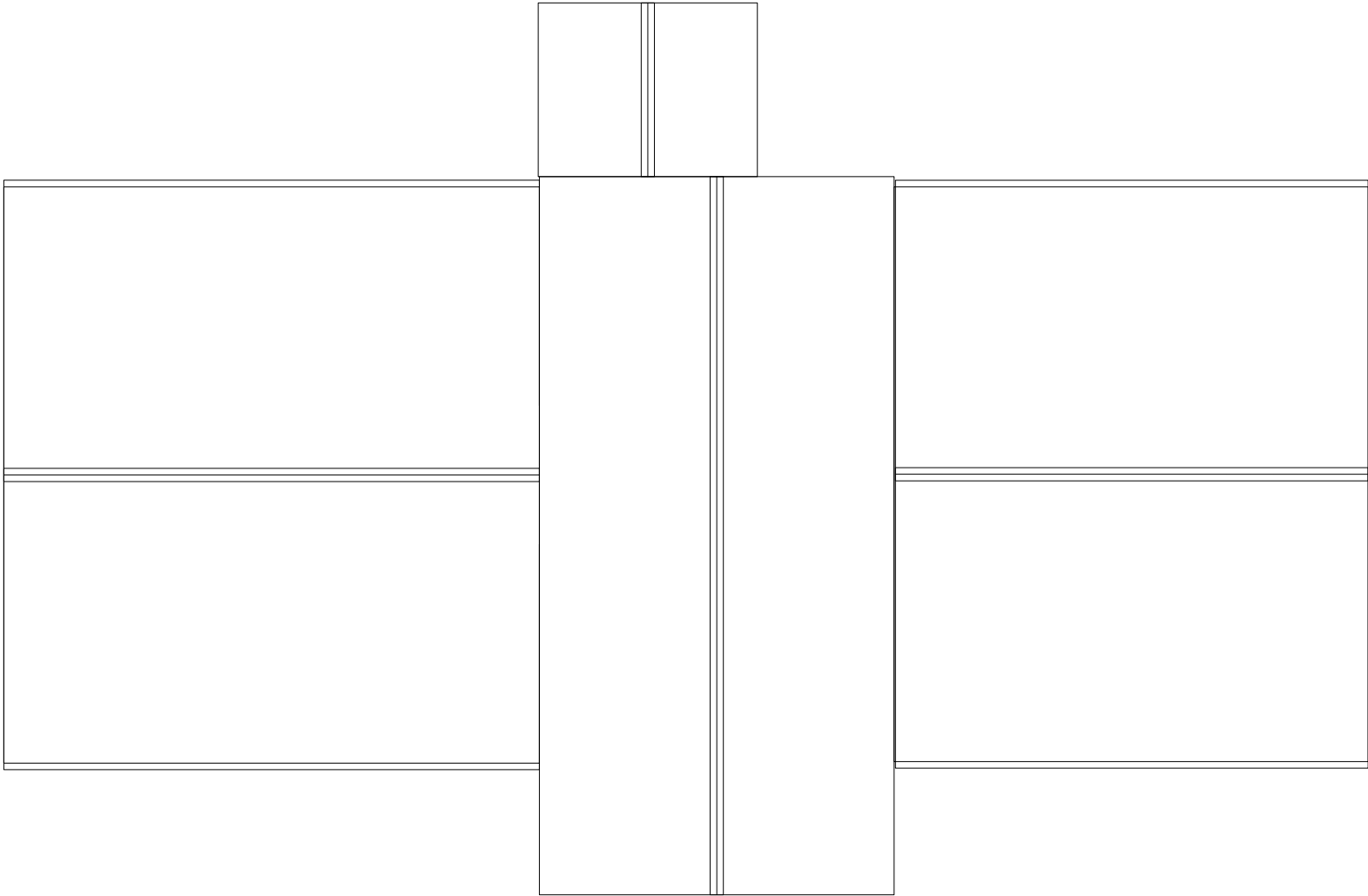
View towards The Mallards from opposite side of pond.  
Ridges of The Mallards and all surrounding houses - Swanfield House and along Glendevon Farm road - shown in red for clarity



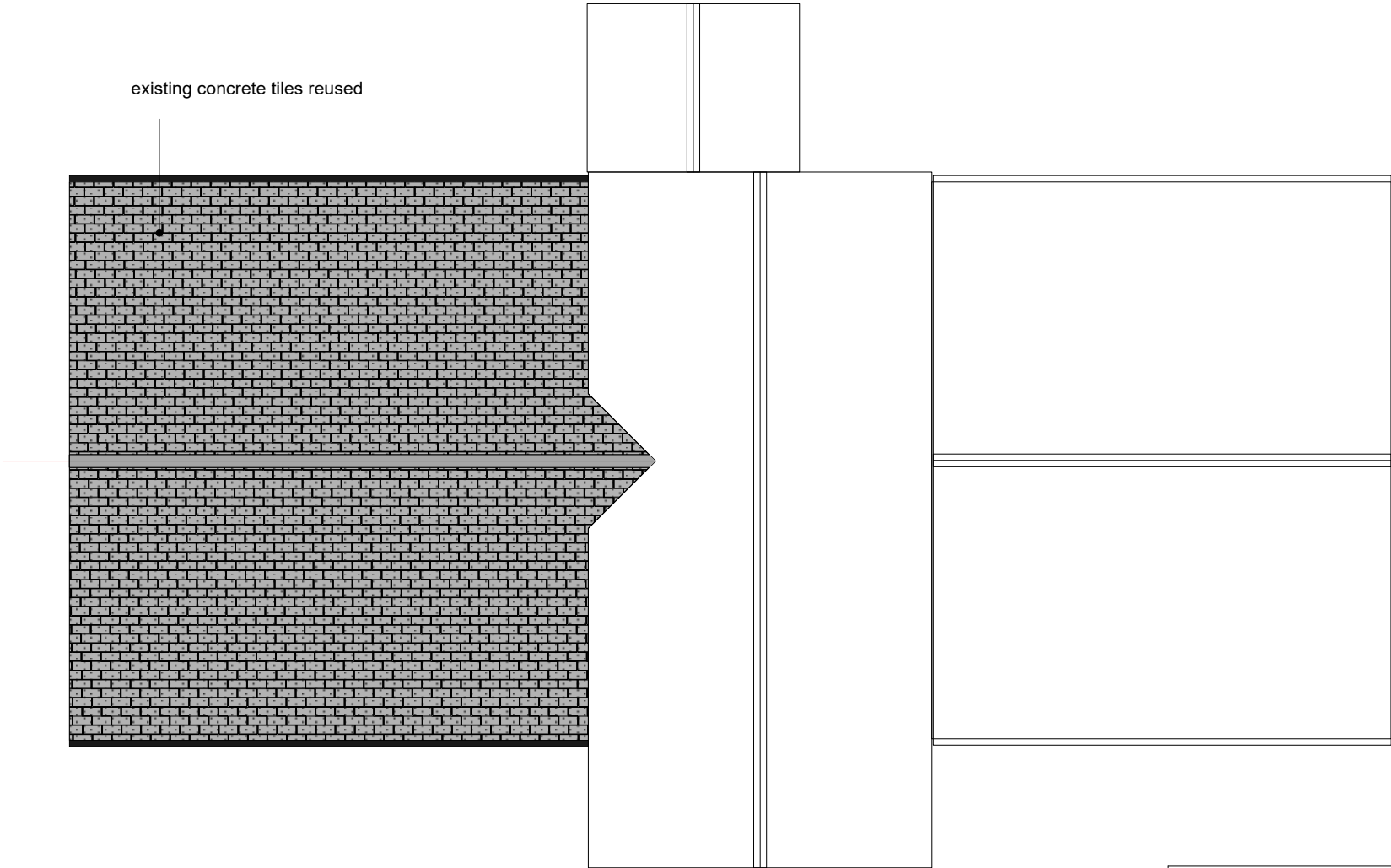
WITH PROPOSED EXTENSION



AS EXISTING



EXISTING ROOF



PROPOSED ROOF



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Project: MALLARDS, GLENDEVON FARM			
Drawing: ROOF PLANS			
Drawing No: MALL105	Revision: -	Date: 19/10/20	Scale: 1:100 @ A3

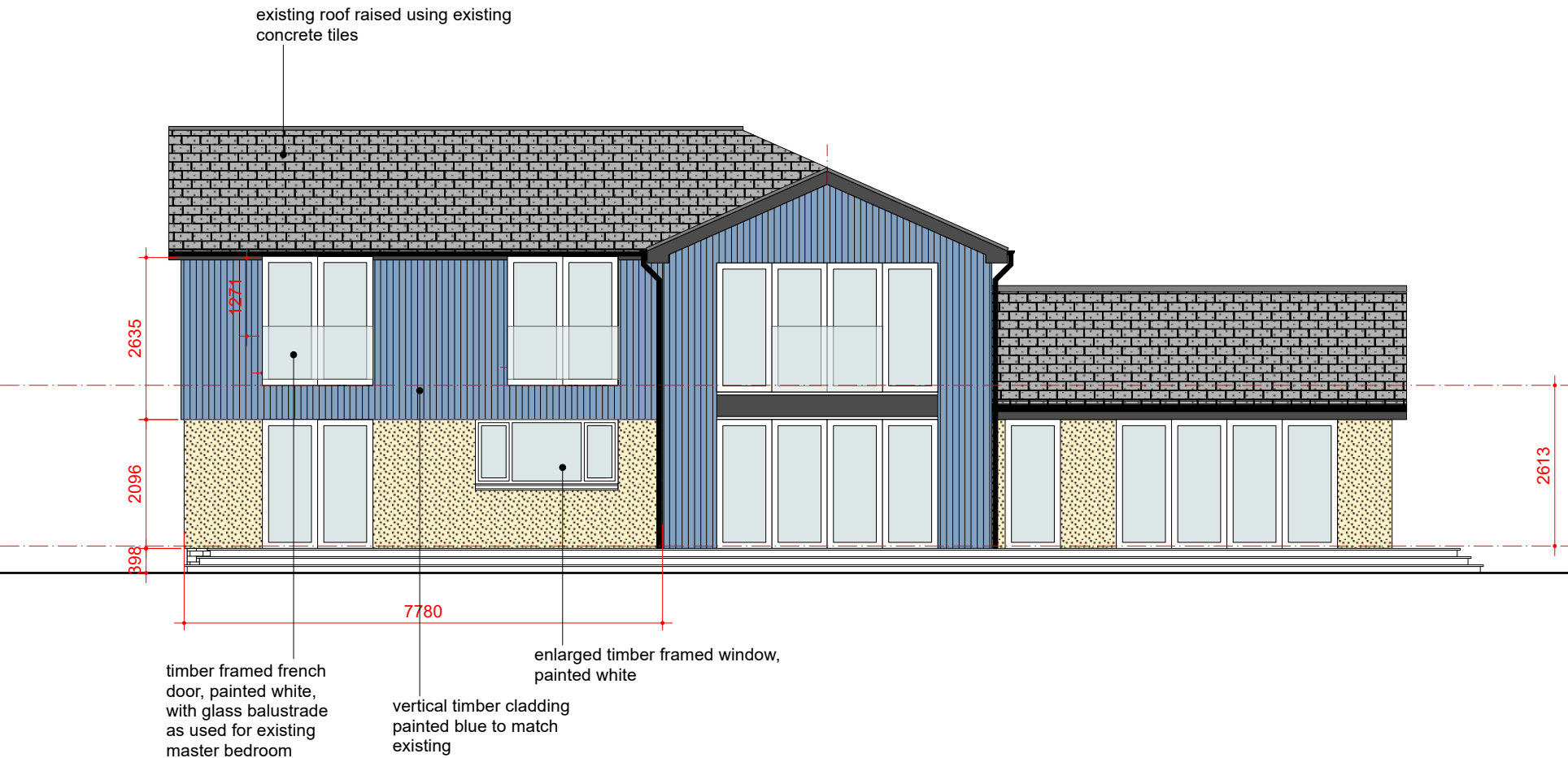


**EXISTING SOUTH ELEVATION**


off-white self-coloured render

timber framed french door, painted white, with glass balustrade

vertical timber cladding painted blue

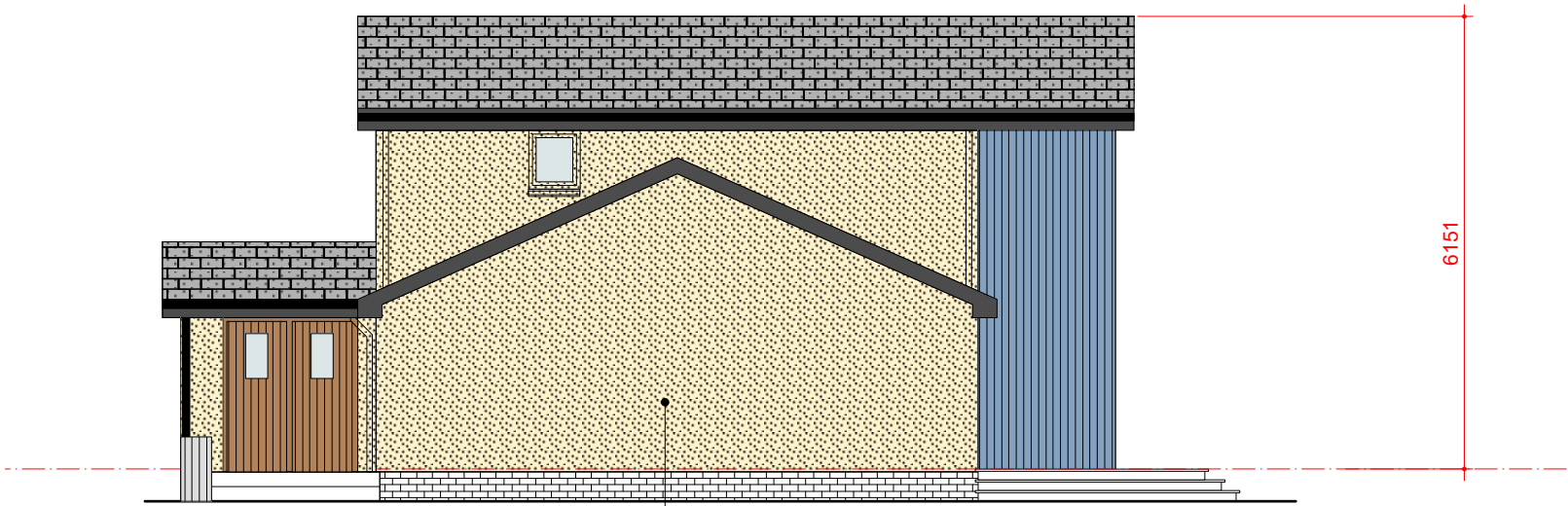


**PROPOSED SOUTH ELEVATION**



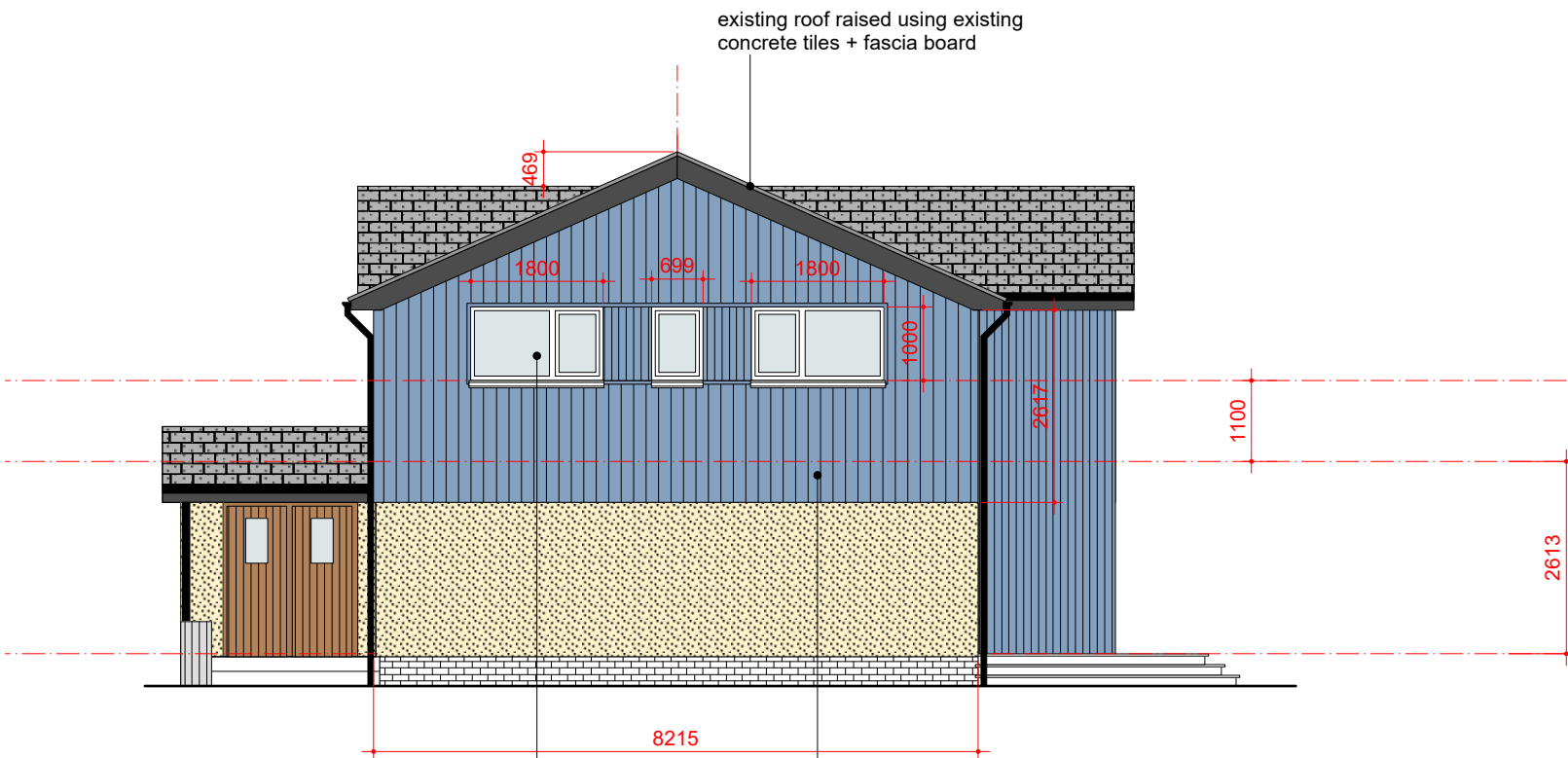
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Project: MALLARDS, GLENDEVON FARM			
Drawing: SOUTHELEVATIONS			
Drawing No: MALL109	Revision: -	Date: 19/10/20	Scale: 1:100 @ A3



EXISTING WEST ELEVATION


off-white self-coloured render



PROPOSED WEST ELEVATION

timber framed windows, painted white

vertical timber cladding painted blue to match existing



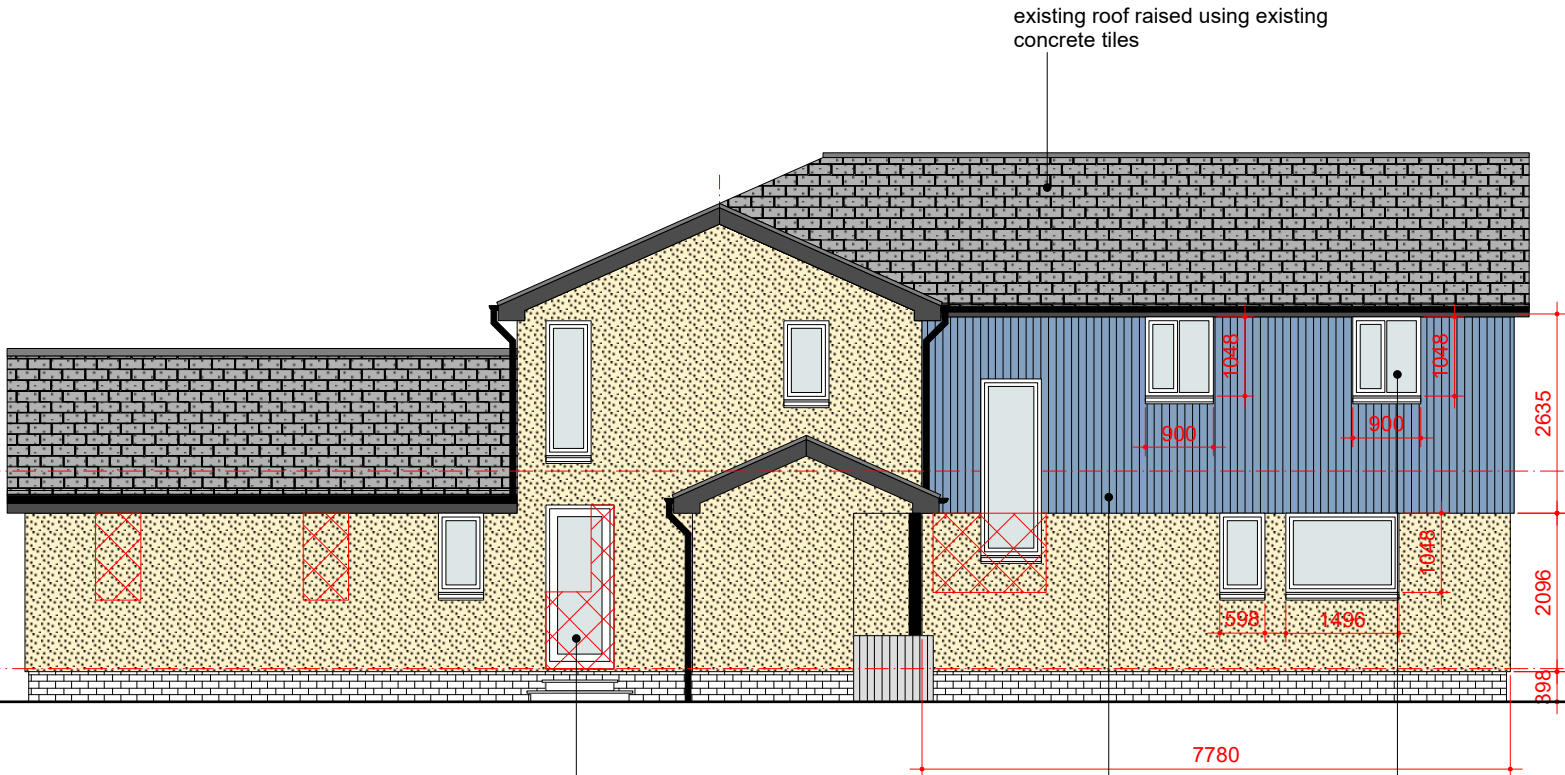
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Project: MALLARDS, GLENDEVON FARM			
Drawing: WEST ELEVATIONS			
Drawing No: MALL107	Revision: -	Date: 19/10/20	Scale: 1:100 @ A3



off-white self-coloured render

EXISTING NORTH ELEVATION




existing roof raised using existing  
concrete tiles

PROPOSED NORTH ELEVATION

timber framed door,  
painted white

vertical timber cladding  
painted blue to match  
existing

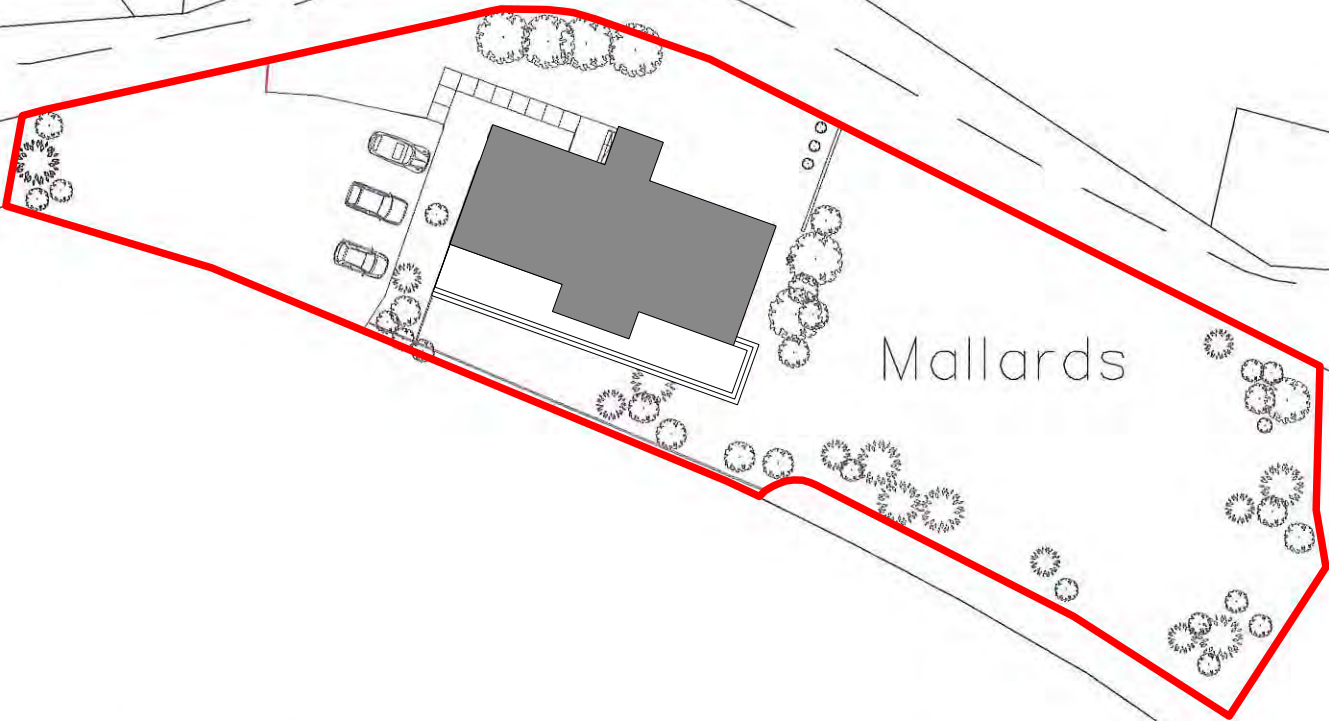
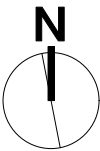
timber framed  
windows, painted  
white



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[www.halvorsen-architects.co.uk](http://www.halvorsen-architects.co.uk)

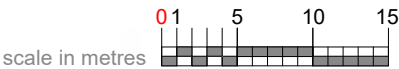
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Drawing: <b>NORTH ELEVATIONS</b>			
Drawing No: <b>MALL108</b>	Revision: <b>-</b>	Date: <b>19/10/20</b>	Scale: <b>1:100 @ A3</b>




Pond



Pond

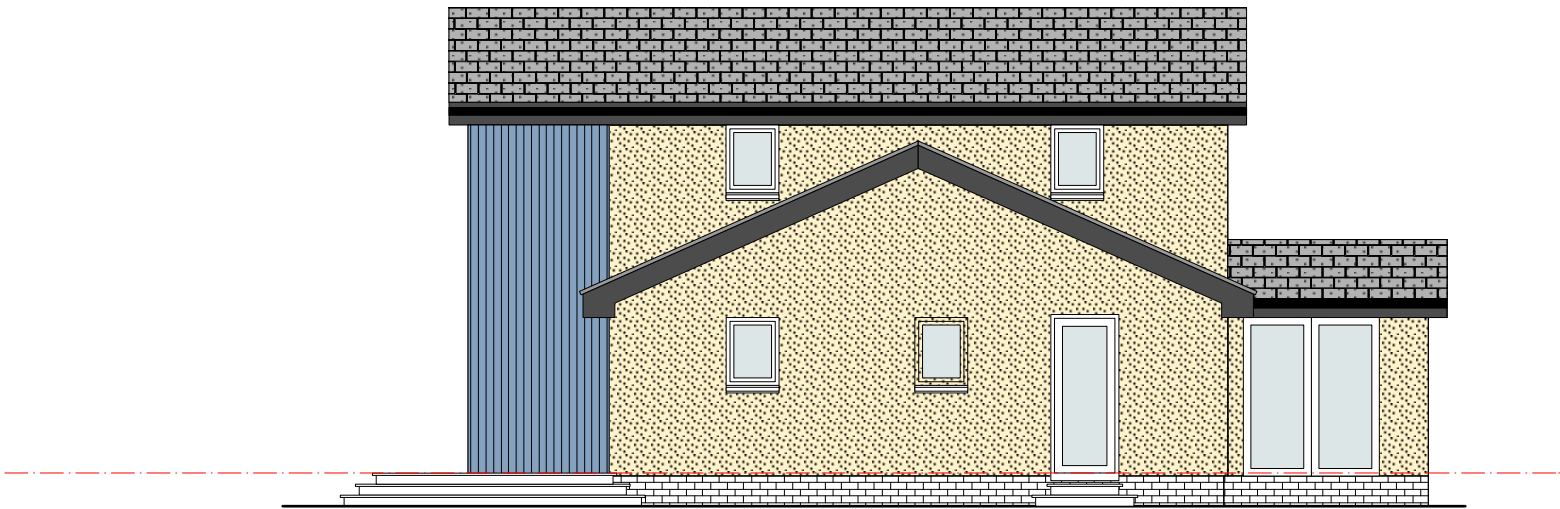




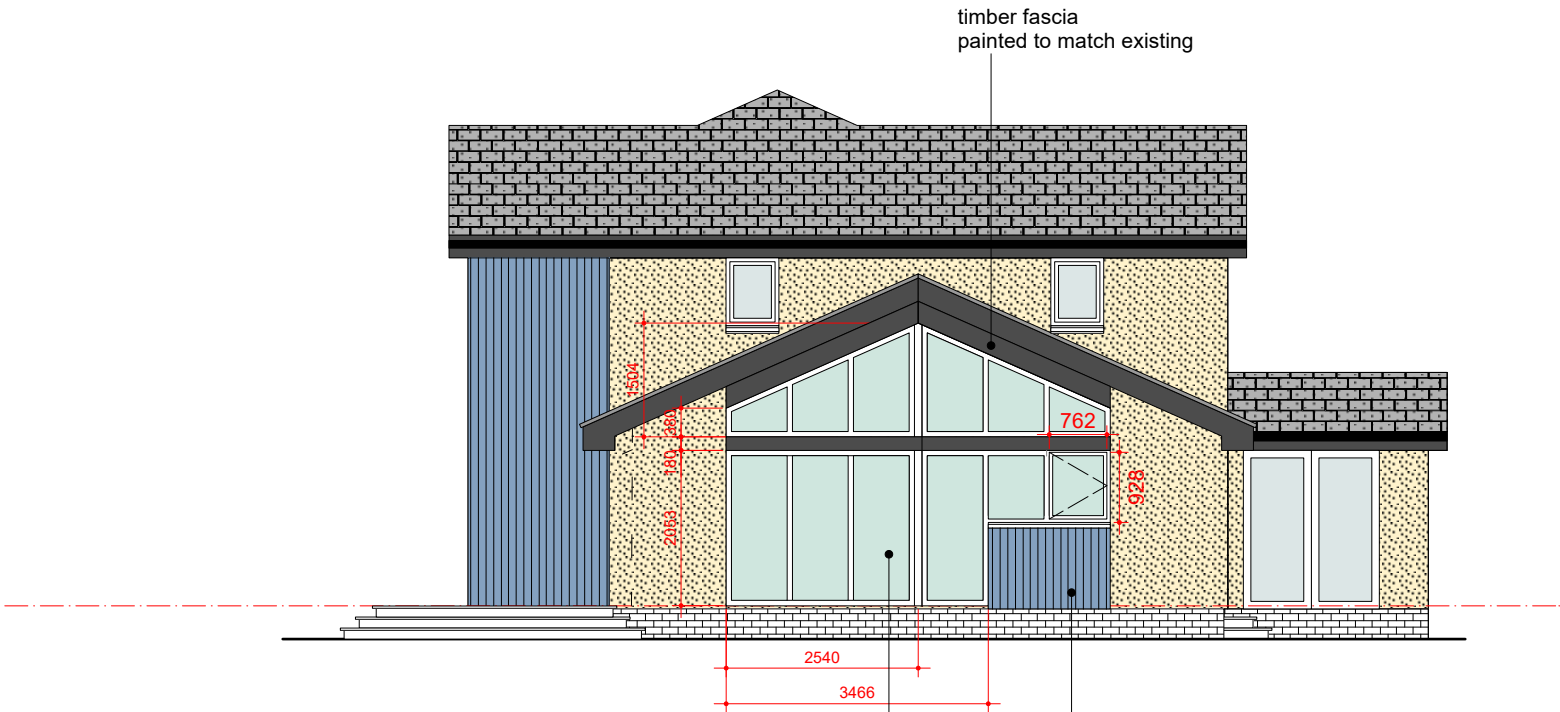
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Project: <b>MALLARDS, GLENDEVON FARM</b>			
Drawing: <b>BLOCK PLAN</b>			
Drawing No: <b>MALL102</b>	Revision: <b>-</b>	Date: <b>19/10/20</b>	Scale: <b>1:500@ A4</b>




EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION

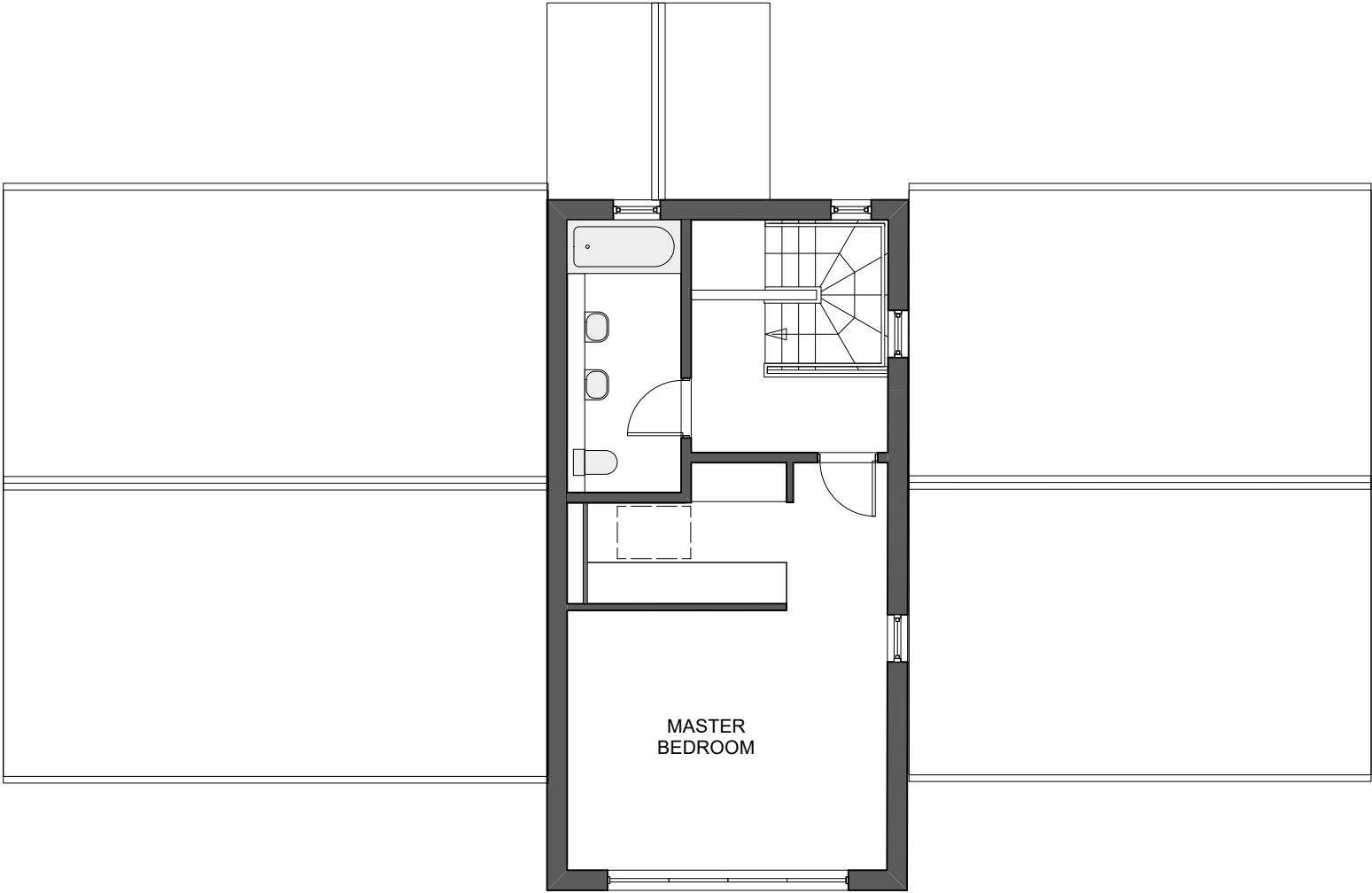
enlarged timber framed fixed lights, painted white

vertical timber cladding painted blue to match existing

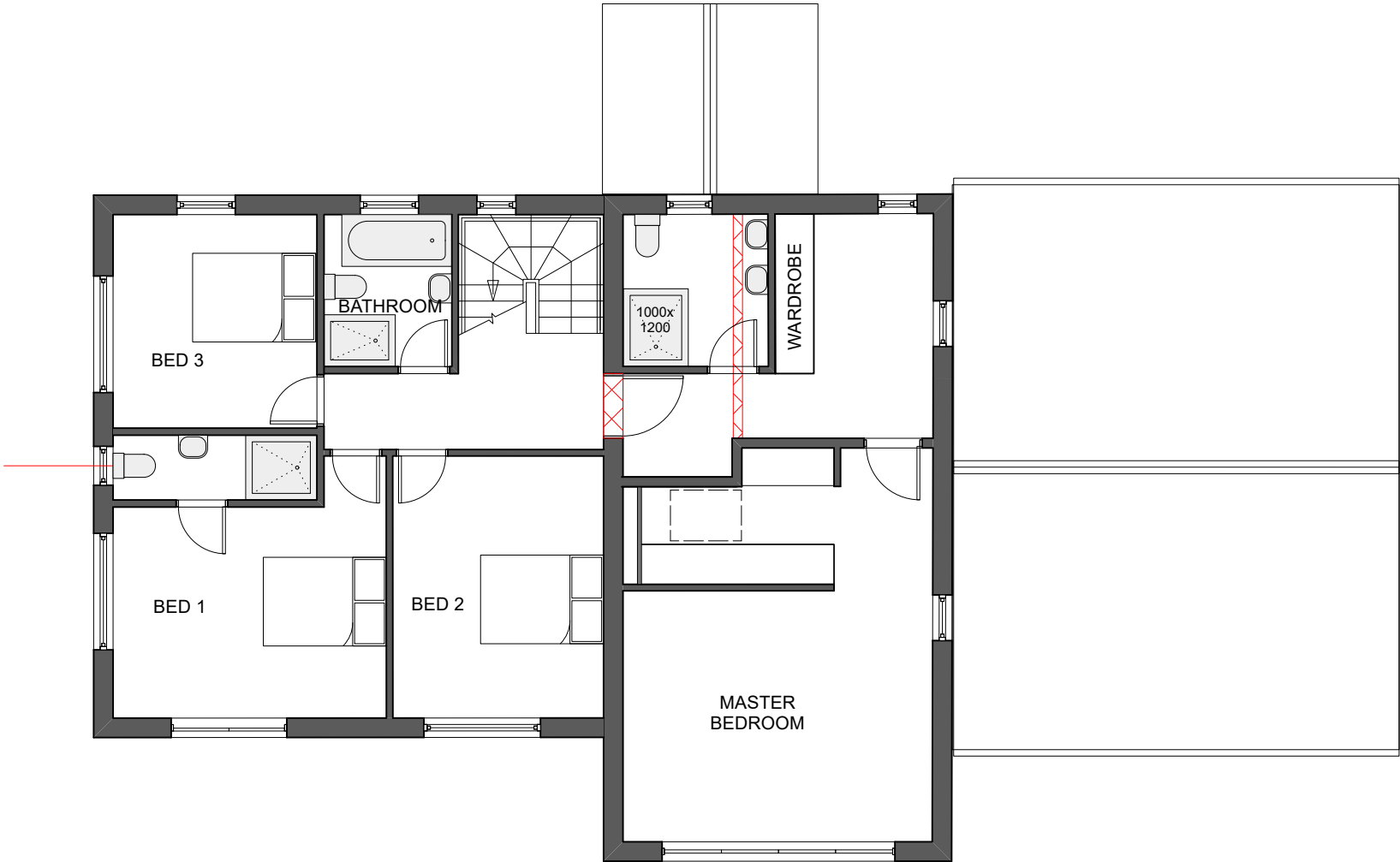


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Project: MALLARDS, GLENDEVON FARM			
Drawing: EAST ELEVATIONS			
Drawing No: MALL106	Revision: -	Date: 19/10/20	Scale: 1:100 @ A3



EXISTING FIRST FLOOR

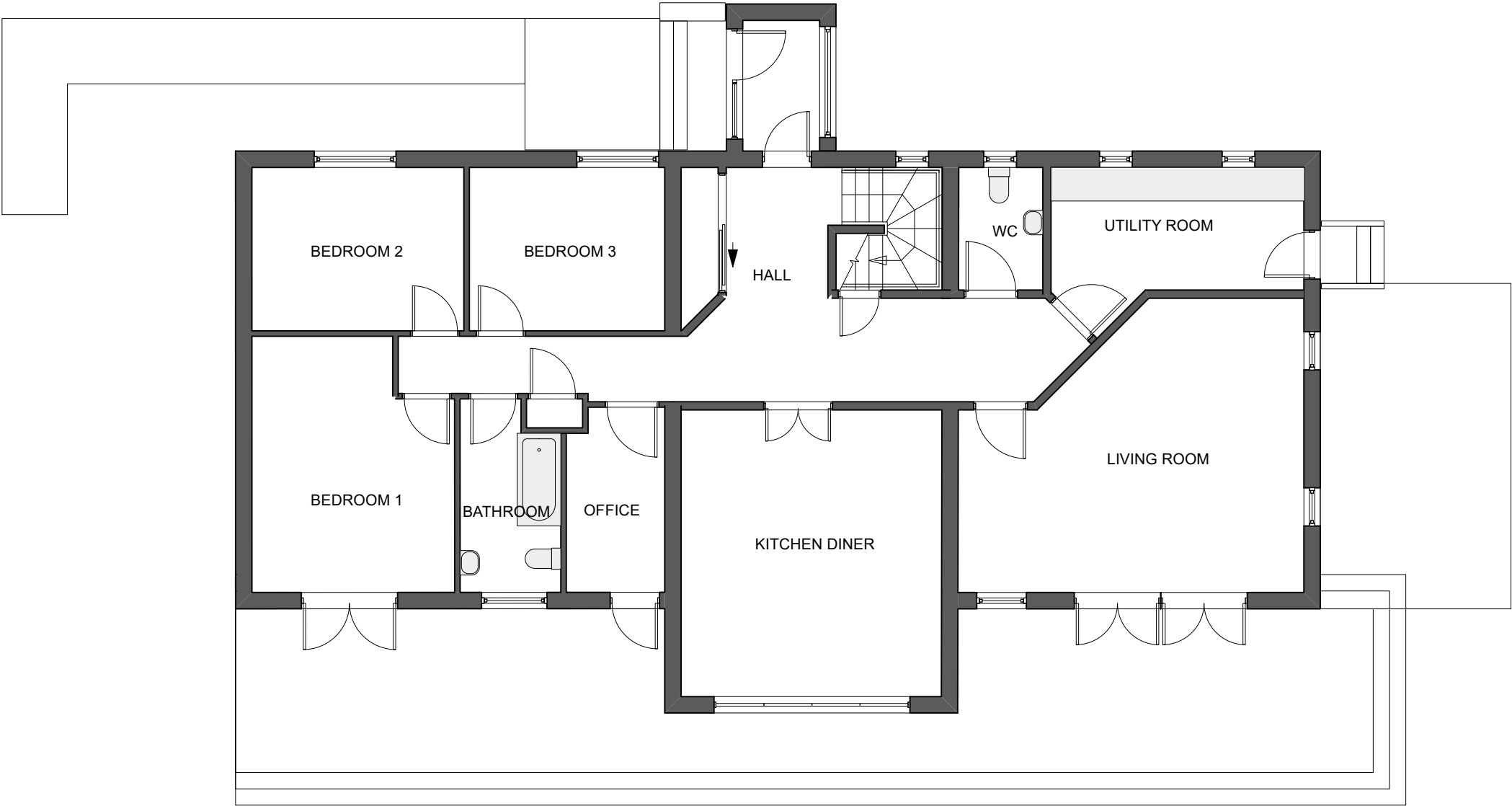


PROPOSED FIRST FLOOR

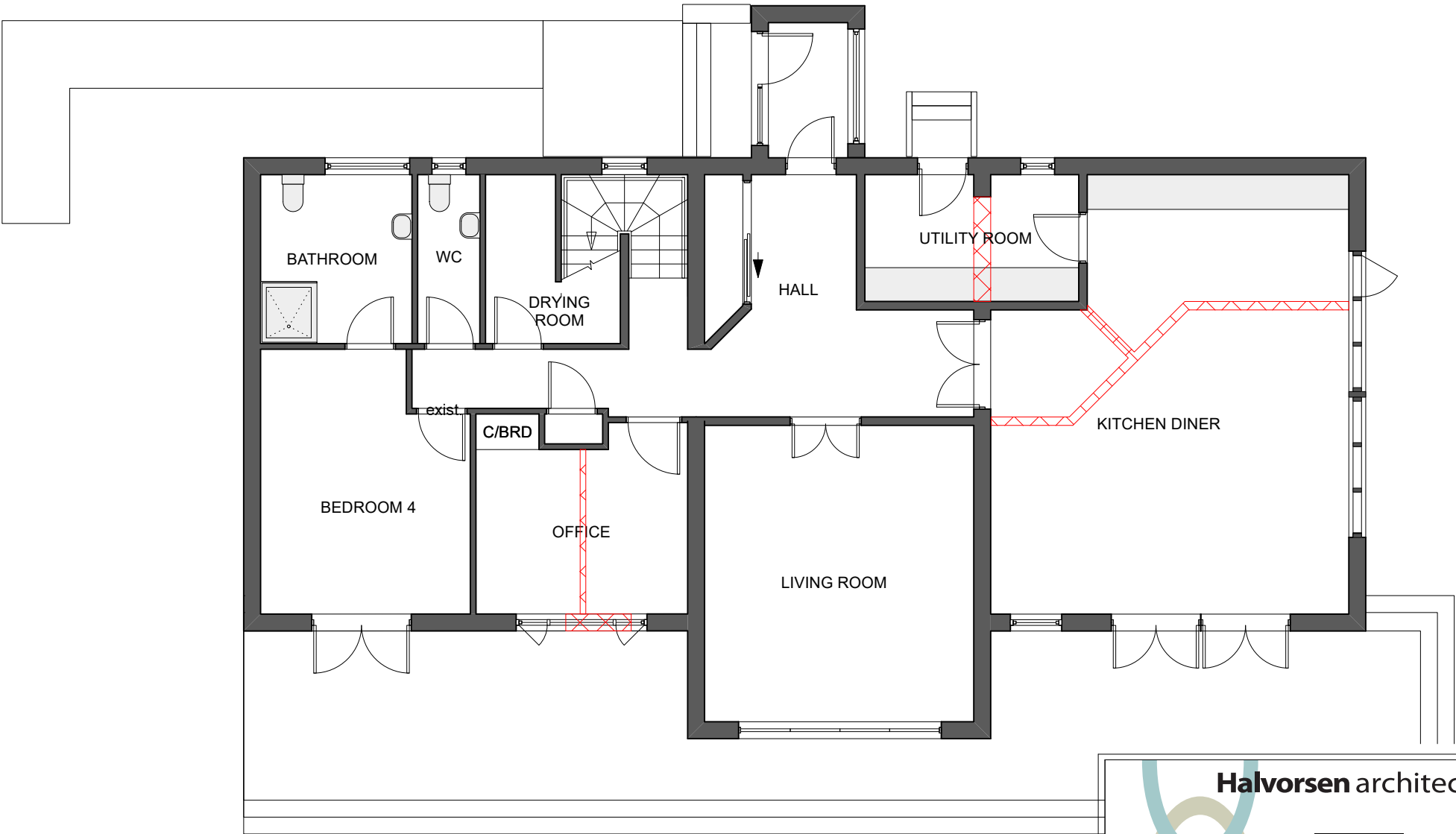


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[www.halvorsen-architects.co.uk](http://www.halvorsen-architects.co.uk)


Project: MALLARDS, GLENDEVON FARM			
Drawing: FIRST FLOOR PLANS			
Drawing No: MALL104	Revision: -	Date: 19/10/20	Scale: 1:100 @ A3



EXISTING GROUND FLOOR



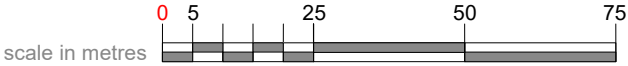
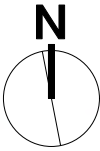
PROPOSED GROUND FLOOR




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e: [gail@halvorsenarchitects.co.uk](mailto:gail@halvorsenarchitects.co.uk)  
[www.halvorsen-architects.co.uk](http://www.halvorsen-architects.co.uk)

Project: <b>MALLARDS, GLENDEVON FARM</b>			
Drawing: <b>GROUND FLOOR PLANS</b>			
Drawing No: <b>MALL103</b>	Revision: <b>-</b>	Date: <b>19/10/20</b>	Scale: <b>1:100 @ A3</b>



<div><b>Halvorsen architects</b> t: [REDACTED] e: <a href="mailto:gail@halvorsenarchitects.co.uk">gail@halvorsenarchitects.co.uk</a> <a href="http://www.halvorsen-architects.co.uk">www.halvorsen-architects.co.uk</a></div>			
Project: <b>MALLARDS, GLENDEVON FARM</b>			
Drawing: <b>LOCATION PLAN</b>			
Drawing No: <b>MALL101</b>	Revision: <b>-</b>	Date: <b>19/10/20</b>	Scale: <b>1:1250@ A4</b>



## DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

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West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

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**APPLICATION REFERENCE** 1136/H/20

**PROPOSAL** First floor extension to house with alterations to windows

**LOCATION** Mallards, Winchburgh, West Lothian, EH52 6PX, (GRID REF: 307729, 675050)

**APPLICANT** Mrs Gina Finch, Mallards, Glendevon Farm, Winchburgh, West Lothian, EH52 6PX

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The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

**Dated:**  
**08.02.2021**

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

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

**Signature:**

A handwritten signature in black ink, appearing to read 'Craig McCorriston', written over a light blue horizontal line.

DATA LABEL: PUBLIC

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 1136/H/20, for the reason(s) set out as follows:**

- 1 The proposed works, by virtue of its overall height and scale would have a significant detrimental impact on the visual amenity of the existing property and the proposed ridgeline will not allow for the works to appear subsidiary to the main house. This application is therefore contrary to policy DES1 (Design Principles) of West Lothian Councils adopted Local Development Plan and West Lothian Council's House Extension and Alteration Guidelines, 2020

**ADVISORY NOTES TO DEVELOPER**

***How to challenge the council's Decision***

*If your application was determined under delegated powers as a local application by an officer appointed by the council 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 and in any other case you can seek an appeal of that decision to the 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>*

***If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.***

***Notification of the start 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. 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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Notification of completion of development***

*The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.*

***Contaminated land procedures***

*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>*

### **Liaison with the Coal Authority**

*As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.*

*Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.*

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).*

### **Advisory note to developer - General**

*Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.*

### **Annex 1, Schedule of Plans - 1136/H/20**

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	MALL101
2	Block Plan	MALL102
3	Floor Plan (existing)	MALL103
4	Floor Plans (existing and proposed)	MALL104
5	Existing and Proposed Elevations	MALL108
6	Existing and Proposed Elevations	MALL106
7	Existing and Proposed Elevations	MALL109
8	Existing and Proposed Elevations	MALL107
9	Roof Plan	MALL105



DATA LABEL: PUBLIC

## HANDLING REPORT

<b>Ref. No.:</b>	1136/H/20	<b>Email:</b>	rachael.lyall@westlothian.gov.uk
<b>Case Officer:</b>	Rachael Lyall	<b>Tel No.:</b>	01506 281110
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Member:</b>	Angela Doran Chris Horne Diane Calder Janet Campbell
<b>Title</b>	First floor extension to house with alterations to windows (Grid Ref: 307729,675050) at Mallards, Winchburgh, West Lothian, EH52 6PX		
<b>Application Type</b>	Local Application		
<b>Decision Level</b>	Delegated List		
<b>Site Visit</b>	(Photo's submitted)		
<b>Recommendation</b>	Refuse Permission		
<b>Decision</b>	Refuse Permission		
<b>Neighbour Notification</b>	Neighbour notification procedures have been carried out correctly - case officer verification. YES		
<b>Advertisement</b>	N/A		
<b>EIA Screening</b>	Does the development require EIA screening - No		

## Description of Proposals

First floor extension to house with alterations to windows.

## Site History

No relevant site history.

## Representations

0 Representations were received for this application.

This is a summary of the representations received. The full documents are contained in the application file.

## Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
X	X	X	X

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**Policies Considered**

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Policy Title	Policy Text
DES1 - 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 the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

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**Policy Assessment**

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West Lothian Council's Local Development Plan, Policy DES1 (Design Principles),  
West Lothian Council Supplementary Guidance on House Extension and Alteration Design.

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**Officer Assessment**

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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 Councils 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 considered more acceptable.

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### **Conclusions and Reasons for Decision**

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The application is contrary to Policy DES 1 (Design Principles) in the adopted West Lothian Council's 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.

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### **List of Review Documents**

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Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	MALL101
2	Block Plan	MALL102
3	Floor Plan (existing)	MALL103
4	Floor Plans (existing and proposed)	MALL104
5	Existing and Proposed Elevations	MALL108
6	Existing and Proposed Elevations	MALL106
7	Existing and Proposed Elevations	MALL109
8	Existing and Proposed Elevations	MALL107
9	Roof Plan	MALL105

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer – Rachael Lyall

Date – 08.02.2021

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

Our Ref: 1136/H/20  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
18 February 2021  
Tel: 01506 280000

## Draft Justification and Conditions:

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

(1) Before development begins, samples of the paint colour and timber cladding which is to be used on the walls of the extension; hereby approved shall be submitted to the planning authority and agreed in writing with the Development Management Manager.

Reason: In the interests of visual amenity.

(2) The materials to be used on the roofs 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 for a local development and was determined by an officer appointed

by the council and you disagree with the decision or with conditions which have been attached, you can apply for a review of the decision/conditions by the council's Local Review Body. In all other cases, if you disagree with the decision you can seek an appeal of the decision/conditions to the Scottish Government Planning and Environmental Appeals Division. You can find information on these processes at <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>



**WEST LOTHIAN COUNCIL LOCAL REVIEW BODY**

**MEETING CHECKLIST**

**Questions to Committee**

1	Are there any factual disputes to be resolved?	Yes or No	If Yes handover to the Planning Adviser/Legal Adviser If No proceed to next question
2	Do we have enough information to determine the application?	Yes or No	If Yes move to Q5 If No proceed to next question
3	If additional information is needed what is that and how do we get it?	Written Submissions or Hearing Session	
4	How long do we need to continue the review to allow the additional information to be provided?	One or two cycles	
5	Has any new material been provided by the applicant?	Yes or No	If yes handover to the Planning Adviser/Legal Adviser

**Move to Questions from Committee**

**Move to Comments from Committee**

**DETERMINATION**

6	Does the application conform with or breach any of the development plan policies?	If so which policies apply	
7	Decide as per development plan unless justified by material considerations – what are the material considerations?	Any material considerations	
8	In applying the statutory test, what is the decision (each member decides leading to motion and possibly amendment(s))?		
9	Members must provide planning reasons for motion and any amendment as well as for decision letter and minute		
10	Go to vote (if necessary) – this will be conducted by the Legal Adviser		