

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

25 January 2012

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 1 FEBRUARY 2012** at **3:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: GROUND FLAT, 4 MONTFORD TERRACE, ROTHESAY PA20 9ER**
 - (a) Notice of Review and Supporting Papers (Pages 1 - 4)
 - (b) Comments from Interested Parties (Pages 5 - 30)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly
Councillor James McQueen

Councillor Neil MacKay

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

H17/Johnes

19/12/11

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW		(2) AGENT (if any)	
Name	Robert McBride	Name	James Wilson
Address	Ground Flat	Address	Springbank
	4 Montford Terrace		7 Chapelhill Road
	Rothesay		Rothesay
Postcode	PA20 9ER	Postcode	PA20 0BJ
Tel. No.	01700 503485	Tel. No.	01700 502113
Email		Email	mjchapelhill@google mail.com

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
(b) Date of Submission
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Ground Flat
4 Montford Terrace
Rothesay
Isle of Bute PA20 9ER

(6) Description of Proposal

Installation of timber decking to front garden
(retrospective application)

(7) Please set out the detailed reasons for requesting the review:-

Street:

Unadopted cul-de-sac inclined up from Craigmores Road.

Houses:

Stepped terrace containing 8 flats all have oriel windows and are enclosed by boundary walls.

Decking:

The decking is concealed behind the boundary walls and is not visible from standing in Montford Terrace until one is adjacent with the access path serving 4 Montford Terrace.

Balustrading:

This is readily visible as it projects up from the decking but can be readily removed and is not necessary in terms of the Building Standards as this decking is an exempt structure in terms of Regulation 0.5.2 Schedule 3 type 19.

Representations:

Six letters of objection received and as the proposals were advertised in the local paper one objection was received from an owner/occupier resident 1.4 miles from the site the other objections all being received from owner/occupiers in Montford Terrace.

Summary of Issues raised:

Loss of Privacy – there is no privacy to the ground floor flats owing to the way the terrace has been built.

Surrounding Properties – the decking has less impact on the eye than the derelict if not dangerous timber garage in the rear garden at 37 Craigmores Road which is readily visible from the majority of the flats.

Precedent - This may be the situation in Montford Terrace but not in the Conservation Area.

Proposed Improvements:

1. The Applicant is prepared to remove timber balustrading.
2. The Applicant is prepared to treat the decking with green timber preservation fluid to give the appearance of grass.
3. The Applicant is prepared to install wrought iron fencing painted black in place of the timber balustrading along the eastmost elevation of the decking at the side of the common access path.



(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

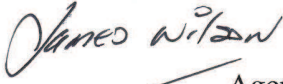
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)


Agent

Dated 12.12.11

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



Development and Infrastructure Services

Director: Sandy Mactaggart

22 December 2011

Our Ref: 11/01506/PP and 11/00013/REFPLA
Contact: Martin Hannah
Direct Line: 01369 708621

Hazel Kelly MacInnes
Committee Services Officer
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sirs,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AND THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURES (SCOTLAND) REGULATIONS 2008: G/F, 4 MONTFORD TERRACE, ROTHESAY, BUTE

I acknowledge receipt of copy of Notice of Review submitted by Mr James Wilson (agent) on behalf of Mr Robert McBride. I set out below the response of the Planning Service with regard to the matters now raised by the appellant.

The application under appeal was submitted retrospectively by the appellant following challenge by the Planning Service. A complaint was received from a neighbouring proprietor about new decking which was constructed without benefit of planning permission.

The complainant alleged that the new decking was elevated, prominent, and unattractive and breached the privacy of neighbouring garden and ground floor flatted property. Following investigation it was concluded the works required express permission under legislation and the unauthorised decking was a breach of planning control that should be regularised through either removal or reinstatement or by grant of express planning permission with conditions.

Accordingly, the appellant instructed his agent Mr Wilson to prepare drawings and seek retrospective planning permission although the Planning Service explained to both the appellant and Mr Wilson before the submission that the property is located in a Conservation Area and officers had misgivings about the design, appearance and in particular the raised height of the deck and balustrade.

The subsequent planning application was then assessed under the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 and determined by officers under the Council's Scheme of Delegation.

The application was refused on policy grounds due to the visual impact the height and appearance of the deck would have locally and on the wider Conservation Area and also the direct impact a raised deck could have on the adjoining residential property.



The Planning Service is required under legislation to determine the application having regard to the policies set out in the approved Development Plan unless material considerations indicate otherwise. The Development Plan in this case is the Argyll and Bute Structure Plan 2002 and the Argyll and Bute Local Plan, adopted August 2009.

The Council is under a general statutory duty to preserve and enhance the character and appearance of designated Conservation Areas and planning policies generally advocate strict controls over development and removal of trees in Conservation Areas. The planning restrictions affecting Conservation Areas are widely known and generally residents, businesses and developers are conscious of the need to consult the Planning Service before embarking upon works that may require planning permission.

The Report on Handling (Production 1) summarises the key determining issues. The application was, in my opinion, correctly assessed against the policies of the Structure Plan and Local Plan. In this case it was concluded that the deck construction and height fails to comply with Policies LP ENV 1, LP ENV 14, and LP ENV 19 and the design principles as set out in Appendix A of the adopted Local Plan.

The decision to refuse planning permission is appealed on a number of grounds. Some possible measures have also been suggested by the appellant that might mitigate the visual impact of the development and allow the deck to be retained in a modified form.

The appellant argues that because the site is located at end of an unadopted cul-de-sac and enclosed by walling the visual impact of the development is limited. Although the street may not be adopted for public maintenance this is irrelevant to the determination of the application and appeal. There is a right of public thoroughfare across a private road. It is not disputed by the appellant that the application site is located in a Conservation Area and is subject to planning controls and therefore should be assessed in the normal way.

The decking is sited to the front and public face of the property. It is accepted that the question of visual impact is a matter of judgement and the effect is very much in the eye of the beholder. A number of photographs were taken of the site from various vantage points and these are attached as Production 2 (a) – (j). The planning application attracted 6 objections and most of these objectors expressed concern about the visual appearance of the development.

It is also not disputed that the visual impact is relatively localised but given the number of adverse comments from the near neighbours the local effect as perceived by those most directly affected by the development is significant.

None of the adjoining terraced or flatted properties have decking, balustrade or railings to the front gardens. The gardens of adjoining terraced properties have been soft landscaped and are relatively mature and attractive. The visual impact of the development under appeal on the street scene is therefore more pronounced.

The appellant alludes to the possibility of other examples and precedents of similar decking in the Conservation Area but cites no specific examples. It is not possible here to comment upon the circumstances or planning history of the examples the appellant has in mind. It is legitimate to highlight that if planning permission is granted at appeal this would help to establish a precedent that might encourage other property owners living in Montford Terrace or elsewhere in the Conservation Area to consider decking or tarring over the front gardens perhaps to create car parking or simply for easy maintenance.

This is precisely why more stringent planning controls apply in Conservation Areas and also the reason why in a designated Conservation Area normal Permitted Development Rights have been removed by the Council as Planning Authority – to discourage incremental and unsympathetic changes that left unchallenged over time will cumulatively erode the special and historic character.

While the appellant now appears willing to accept modifications to make the development under appeal more acceptable, the modifications should be made the subject of a fresh application to allow the proposal to be reassessed and to allow for consultation with affected neighbouring proprietors.

While removal of the balustrade would help to mitigate the visual impact of this development as viewed from the street the decking remains unusually elevated. As will be apparent from the Productions 2 (i) and 2 (j) the finished level of the deck sits virtually at the sill level of the adjoining flatted property. Anticipated use of a raised deck as an outdoor sitting and play area is likely to have a detrimental impact on the privacy of the adjoining property as the bay window serving the front public room will be overlooked unacceptably.

As a minimum the Planning Service would expect the decking to be reduced in surface area and also lowered in height so that the finished deck level does not exceed 150mm above natural ground level.

The timber balustrade above the existing walls is not appropriate and should be removed altogether. Staining or painting of the deck boards a green colour is not a substitute for grass or shrub or hedge planting abutting the common access footpath serving the flats and also the front boundary wall.

The appellant has unfortunately invested time and money in a project without first checking the relevant standards with the Planning Service. Officers are **not** opposed to the appellant's reasonable enjoyment or improvement of the front garden involving some element of hard landscaping to provide space for a table or play. The appellant should be encouraged to consult with the Planning Service and agree remedial works, soft landscaping and planting to address specific concerns about visual impact and the impact on the adjoining property.

The current submission under appeal is not acceptable visually and is considered contrary to policies designed to protect and enhance the wider Conservation Area. The raised deck level is also not acceptable as this unreasonably impacts upon the amenity and privacy of the adjoining property. There are no material considerations of sufficient weight to justify overturning the adopted policies of the Development Plan and accordingly the appeal should be dismissed.

Yours faithfully,



Martin Hannah MRTPI
Planning Enforcement Officer
Development Management
Bute and Cowal

**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/01506/PP

Planning Hierarchy: Local Application.

Applicant: Mr Robert McBride

Proposal: Formation of timber deck area (Retrospective)

Site Address: 4 Montford Terrace, Rothesay

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**
- Retrospective approval sought for formation of timber deck area
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused.

(C) HISTORY:

No relevant history.

(D) CONSULTATIONS:

None.

(E) PUBLICITY:

Regulation 20 (1) advertisement was placed in The Buteman on 26 August 2011 in accordance with Town and Country Planning Development Management (Scotland) Procedures 2008. Expiry 16 September 2011

A site notice was displayed at the application address on 12/08/2011 in accordance with section 65 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 (publicity for applications affecting Conservation Areas).

(F) REPRESENTATIONS:

6 letters of objection has been received from .

- Jacqueline E Reynolds Flat 1 3 Montford Terrace Rothesay PA20 9ER
- Mr & Mrs N Barclay Flat 2 1 Montford Terrace Rothesay PA20 9ER
- W L Peers 1 Montford Terrace Rothesay Isle Of Bute PA20 9ER
- Mrs Jane Macfie 3 Montford Terrace Ascog Isle of Bute PA20 9ER
- Mrs Eileen Thurman 17 Mountstuart Road Rothesay PA20 9DY
- William J S Blair Flat 2 2 Montford Terrace Rothesay Isle Of Bute PA20 9ER

(i) Summary of issues raised

- Loss of privacy
 - Not in keeping with surrounding properties and Conservation Area
 - Precedent
-

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**
 - (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No**
 - (iii) A design or design/access statement: No**
 - (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No**
-

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: No**
-

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
-

- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application.**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

POLICY STRAT DC9 - Historic Environment and Development Control

Argyll and Bute Local Plan

Policy LP ENV 1- Development Impact on the General Environment

Policy ENV 14 Development in Conservation Areas and Special Built Environment Areas

Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles

Policy LP ENF 1 – Enforcement Action

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

(L) **Has the application been the subject of statutory pre-application consultation (PAC): No**

(M) **Has a sustainability check list been submitted: No**

(N) **Does the Council have an interest in the site: No**

(O) **Requirement for a hearing (PAN41 or other): No**

(P) **Assessment and summary of determining issues and material considerations**

The determining issues are:

Compliance with the adopted development plan.

Assessment of benefits of development against likely visual impact.

In the Argyll and Bute Local Plan the application site is located within the settlement of Rothesay in the Isle of Bute.

The development is attached to a ground floor flatted dwellinghouse that forms part of a terrace of similar sandstone built traditional properties. The flat has exclusive access and use of the front garden. In July this year the Enforcement Officer received a written complaint about unauthorised development of a raised timber deck in the front garden of a flatted property. The works require planning permission as the property is a flat. The householder was advised in writing on 18 July 2011 that the works represent a breach of planning control and he has now sought to regularise the breach through the current application.

The deck is constructed in treated timber (unstained) and covers the full extent of the front garden. The deck is elevated and surrounded by a timber balustrade. The finished floor level of the deck is parallel with the top entrance step to the flat, just over 1m above existing ground level.

The applicant has explained that the deck was constructed to create a private sitting and outdoor dining area for his family. The garden was previously in a poor

condition. As the garden can be shaded due to nearby trees and he has found it difficult to maintain and he feels that the deck is low maintenance and attractive alternative to a lawn or shrubbery.

The application site is the only garden in the terrace that has been decked over in this way. Although an end terraced block at the head of a cul-de-sac the effect is still incongruous. At the front of the property and at the main entrance the raised deck level and balustrade (required to comply with Building Standards Regulations) extends well above the existing stone and brick built walls and the effect is jarring. The application has attracted 6 written objections and all cite the visual appearance and raised height as grounds for objection. The raised height of the deck also reduces the privacy of the neighbouring residential property on the ground floor left as the deck floor level is now virtually level with the window cill of this flat's bay window. Persons using the deck can look into the adjoining property's lounge at a distance of approx. 4 metres and this has a detrimental impact on privacy and amenity of the adjoining occupiers.

It is likely that a timber deck built to the side or rear of the property may not have attracted the same level of public objection. If the applicant had cleared the garden and introduced a smaller area of decking or hard landscape surfacing without altering ground levels it might also be held visually acceptable in the Conservation Area. The Council is required to promote better design and achieve a generally higher standard of development to protect areas with a Conservation Area designation. The Development Plan policies require new development to either enhance or preserve the character of the Conservation Area and the extensive decking coverage and its raised height regrettably does not satisfy the higher design standards required.

The proposed development does not comply with Local Plan Policy LP ENV 14 and accordingly this application should be refused.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission should be granted: Not applicable

(S) Reasoned justification for a departure from the provisions of the Development Plan: Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Martin Hannah
Reviewing Officer: David Eaglesham

Date: 10 November 2011
Date: 14 November 2011

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO: 11/01506/PP

1. The decking, by virtue of its scale, design and materials, is considered to be a prominent and incongruous feature which is substantially out of character with the character, scale and appearance of the terraced properties in Montford Terrace and as such is considered to have a significant detrimental impact upon the visual amenity of this part of the Rothesay Conservation Area. The development is therefore considered contrary to policies LP ENV 1, LP ENV 14, and LP ENV 19 and to the design principles as set out in Appendix A of the adopted Local Plan Local Plan.
2. The decking, by virtue of its elevated position in the front garden, is considered to be detrimental to the amenities of neighbouring properties by reason of overlooking and consequent loss of privacy.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **11/01506/PP**

A. Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

4MT/LP; 4MT/SP; 4MT/FE; 4MT/P; 4MT/EE; 4MT/WE

B. Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

C. The reason why planning permission has been refused.

The proposal is contrary to Development Plan policy for the reasons for refusal detailed above.

















2(i)



Production 2(i)



CUSTOMER SERVICES
ARGYLL & BUTE COUNCIL
KILMORY
LOCHGILPHEAD
ARGYLL PA31 8RT

2 Montford Terrace
Rothesay
BUTE PA20 9ER

29/12/11

Dear Sir/Madam,

LOCAL REVIEW BODY REFERENCE: 11/0012/LRB

PLANNING APPLICATION REFERENCE: 11/01506/PP

GROUND FLAT, 4 MONTFORD TERRACE, ROTHESAY PA20 9ER

I am still of the opinion that if granted this application will create a precedent and further such structures could be erected in the terrace. All are completely out of character with the red sandstone existing housing in the terrace and out of place in a conservation area.

The suggested improvements by the applicant do not alter this and so I still hope the council will refuse the application.

Yours faithfully,

William J. S. Blair

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Head of Democratic Services & Governance
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Jacqueline Reynolds
3 Montford Terrace
Rothesay
Isle of Bute
PA20 9ER

27th December 2011

Dear Sir / Madam

Reference: Local Review Body Reference: 11/0012/LRB.
Planning Application Reference: 11/01506/PP
Ground Flat, 4 Montford Terrace, Rothesay, PA20 9ER.

Firstly I would like to state that my original letter of objection dated 23rd August 2011 still stands and I would like to submit this letter in response to the above mentioned Review dated 21st December 2011.

In point 7 of the Notice of Review the detailed reasons for the review are stated and I would like to address certain areas within that section.

Balustrading

I would be surprised that decking "just over 1 metre above ground level" could have the balustrading surrounding it removed not only for safety reasons but also to comply with Building Standards .

Loss of Privacy

It was stated that "there is no privacy to the ground floor flats owing to the way the terrace has been built", prior to the erection of the raised decking my flat enjoyed a good level of privacy which has now been removed due to the height of the decking built across the whole garden at number 4, there was no clear unrestricted views straight into my sitting room before this illegal decking was built so I now have no privacy at all if there is anyone on the decking.. Also if I were sitting on the bench in my garden it would be extremely uncomfortable due to the close and domineering proximity of this decking.

Surrounding Properties

The next reason states that "the decking has less impact on the eye than the derelict if not dangerous timber garage in the rear garden at 37 Craigmores Road", this garage is not relevant to this Planning Appeal in any form.

Precedent

This states that "this may be the situation in Montford Terrace but not in the Conservation Area". If Planning Permission had been sought before building it would have clarified what could or could not be built in the Conservation area at Montford Terrace and to ensure that what was built would not look out of place, and to my knowledge there is not other similar decking in the Montford area and therefore this decking would be setting a precedent.

The list of proposed improvements is in itself irrelevant, firstly:-

- If the decking is treated with green timber preservation fluid it shall not now or ever in any way look like grass or less intrusive.
- The black painted wrought iron fencing would in no way make the "jarring" look of this decking any better as the height of it is so overbearing.

I would strongly recommend that this decking be viewed by the committee to see that it is indeed extremely intrusive and has a detrimental impact on my privacy of which I would have none if this appeal was passed.

Please contact me for any further information that you may need or if you would like to visit me in my sitting room to see just how badly affected my property is by this one metre high structure.

Yours faithfully



Jacqueline E Reynolds

From: Eileen [eileenthurman@excite.com]
Sent: 02 January 2012 11:07
To: localreviewprocess
Subject: Planning application No.11/01506/PP

In response to the review of the above planning application:

My husband and I own Flat1, 2 Montford Terrace and although we live 1.4 miles away at present, we may decide to live at the flat in the future. Otherwise we will eventually wish to sell the property. In either event, the appearance of Montford Terrace is important to us.

I reiterate my previous objections.

In addition I would comment

1. The balustrading, is an eyesore, whether exempt or not under Building Standards regulations and should be removed.
2. The 'derelict' garage at 37 Craigmore Road is not relevant to this matter.
3. Green timber preservation paint will not improve either the situation of the decking nor its appearance.

Eileen Thurman. 17 Mountstuart Road, Rothesay Isle of Bute. PA20 9DY.

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From: Alison Barclay [barclay.alison@btinternet.com]
Sent: 04 January 2012 17:17
To: localreviewprocess
Subject: Ref 11/0012/LRB Ground Flat, 4 Montford Terrace, Rothesay, PA20 9ER

Dear Sir,

Local Review Body Reference: 11/0012/LRB
Planning Application Reference: 11/01506/PP
Ground Flat, 4 Montford Terrace, Rothesay, PA20 9ER

With reference to the above appeal made by Mr Robert MacBride we wish to add further comments to our original objection to the above planning application. These are as follows,

1. The decking is not concealed behind the wall as the applicant states, it is very visible from both the main road and all the properties including ours which is the furthest away from it.
2. The ground floor flats enjoy privacy as there is no through traffic in the Terrace. Only when someone is walking up their paths is their privacy disturbed. The front gardens of this terrace were not designed to be used for eating, socialising etc. that is what the back gardens are for. To allow this raised deck to remain would mean that the front of the properties would now become a social area removing all privacy from the ground floor flats and causing noise disturbance to all the properties as they all have their living rooms to the front.
3. The reference to the timber garage is irrelevant to this case. That garage has been there for a number of years and is in the back garden of the property not the front. I can not see it from my property as it is behind the house opposite the Terrace and it is so old that it has faded into the surrounding garden quite well.

With regards to the applicants proposed improvements,

1. Removing the timber balustrade will not solve the invasion of privacy to the neighbouring flats it will only make it worse nor will it improve the look of the deck as it would still be there.
2. Painting it green will not make it look like grass if anything it will make it even more noticeable and out of keeping with the other properties.
3. Installing wrought iron fencing will not hide the deck or enhance it in any way nor will it give any privacy to the neighbours.

In conclusion we still strongly object to this appeal and planning application. None of the proposed improvements will make this structure any more visually acceptable to us. As the applicant owns ground to the side of the property maybe his deck would be more suited to there where it is out of sight of the street and not invading anyones privacy.

Yours faithfully

Nigel and Alison Barclay

Upper Flat,
1 Montford Terrace,
Rothesay,
PA20 9ER

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