

**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

10 October 2012

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 17 OCTOBER 2012** at **2:30 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 29 STUCKLECKIE ROAD, HELENSBURGH**
  - (a) **Notice of Review and Supporting Documentation (Pages 1 - 18)**
  - (b) **Comments by Interested Parties (Pages 19 - 30)**
  - (c) **Comments by Applicant (Pages 31 - 32)**

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville  
Councillor Alex McNaughton

Councillor Mary Jean Devon

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:  
AB1

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

OFFICIAL USE
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

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(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

(6) Description of Proposal

ERECTION OF EXTENSION  
TO DWELLING HOUSE

(7)

Please set out the detailed reasons for requesting the review:-

READ STATEMENTS AND DRAWINGS LISTED  
IN DRAWING REGISTER & ISSUE SHEET ALSO  
DOCUMENTS IN SCHEDULE ON PAGE 3/4

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

(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	REFER DRAWING REGISTER E ISSUE SHEET ISSUE DATE 30/8/12 FOR DRAWINGS
2	MS. C. MCCALLUM'S LETTER DATED 19.06.2012 TO MR. REID, PLANNING DEPT.
3	CLIENTS' SUPPORTING STATEMENT DATED 18.JUNE 2012
4	STATEMENT RELATIVE TO REFUSED PLANNING APPLICATION NO 12/01405/PP IN TWO PAGES.
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)

*John Wagner*

Dated

30.08.2012

**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/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto: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 604392 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

**For official use only**

Date form issued

Issued by (please sign)

JOHN WAGNER RIBA ARIAS  
 Chartered Architect  
 51 Colquhoun Street, Helensburgh G84 9JR  
 Phone: 01436 67 0422  
 Mobile: 07985 610 638

DRAWING REGISTER & ISSUE SHEET

CLIENT	CHARLES & CATHERINE LIVINGSTON
PROJECT	PROPOSED HOUSE EXTENSION & ALTERATIONS
WORKS ORDER No.	29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.

ISSUE DATE	DAY	TIME	14	20	25	27	27	04	30
	MONTH		05	6	6	6	07	08	
	YEAR		12	12	12	12	12	12	

DRAWING TITLE	NUMBER	REVISION
---------------	--------	----------

1000	NS 310 38250 O/S LOCATION PLAN	01	A4	✓	✓	✓			✓	✓
200	PROPERTY TITLE PLAN	02	A4	✓	✓				✓	✓
100	EX/S7. GROUND FLOOR PLAN	03	A3	✓	A					✓
100	EXIST. ELEVATIONS REAR (WEST) & SOUTH GABLE OF NO. 27.	04	A3	✓	✓				A	✓
100	PROPOSED REAR/WEST ELEV. ALSO CROSS SECTION X-X & SOUTH ELEV.	05	A3	A	B	B	B	B	C	B
100	PROP. EXTENSION GR. FLOOR & E/W SECTION + N. ELEVATION	06	A3	A						
		07								
25	EXTENSION DETAIL E/W SECTION	08	A3	✓		A	A			A
100	ROOF PLAN, RAILING DESIGN	09	A3	✓	A	A	B	B	C	B
100	PROP. ELECT. LAYOUT.	10	A3	✓		A	A	A		A
100	PROP. REDUCED AREA EXTENSION II E.N. ELEV.		A3		✓					
	KNAUF INSULATION U-VALUE CALCS WALL, FLOOR, FLAT ROOF 2/5/12		A4	✓						
	SCOTTISH WATER BUILD OVER REQUIREMENTS		A4	✓						
	BUILD OVER DETAILS		A4	✓						
	SPEC. IN 5 PAGES		A4	✓						4 PAGE
	B.W. APPLICATION 14.5.12		A4	✓						
	460 COUNCIL BANK CHARGE FOR AEB			✓						

DISTRIBUTION	No OF COPIES
Client	1
Engineer	
Architect	
Contractor	
ARQUHLE BOYE COUNCIL, BUILDING STANDARDS	2
ARQUHLE BOYE COUNCIL, PLANNING	1
SCOTTISH WATER	1
	2
	1
	1
	3

✓ 19.6.12 CLIENT'S SUPPORTING STATEMENT  
 " " " TYPED BY ARCHITECT  
 ✓ PLANNING APPLIC. IN 6 PAGES

b.w applic.  
 NEW PLANNING APPLIC.  
 BUILD OVER APPLIC.  
 BUILD STANDS.  
 PLANNING  
 PLANNING LOCAL AUTHORITY  
 PLANNING REVIEW



29 Stuck Kerkie road  
Helensburgh  
Argyll + Bute  
Scotland  
G84 7NN

19.06.2012

Dear Mr Reid,

I am writing regarding our recent planning application. We understand that our application was refused and would like to try to adjust our original plans to have a better chance of approval.

At present there are eight of us sharing 3 bedrooms, myself, my partner Charles, our two grown up sons of 23 and 20, our 15 year old daughter and sons of 10, 6 + 4, this is of course not an ideal situation. We cannot afford to buy a bigger house and think an extension is the only way to approve our situation.

All adults in our house are in employment so we do not need any benefits to help us extend or pay our mortgage.



**John Wagner Chartered Architect, BA Arch, RIBA ARIAS**  
51 Colquhoun St., Helensburgh G84 9JR  
tel: 01436 67 0422 email: john.wagner@2tax.co.uk

Clients: Mr. Charles Livingston and Ms. Catherine McCallum.  
29 Stuckleckie Road, Helensburgh G84 7NN

Proposed single storey extension to dwelling house.  
Site address: 29 Stuckleckie Road, Churchill, Helensburgh G84 7NN

Planning application reference 12/00914//PP received Wed. 25<sup>th</sup> April 2012,  
Argyll & Bute Council, Whitegates Office, Lochgilphead.

Council decision: Planning permission refused.

**Clients' supporting statement dated 18 June 2012**

- i) At present two families, comprising a total of eight (8) persons live in the three (3) bedroom house. (Refer clients' letter addressed to Mr. Reid).
- ii) The families do not want to be broken up.
- iii) All bedrooms are shared. Individual living space at present is not possible
- iv) The families cannot afford to move to a larger house.
- v) All adults are in employment, not on welfare.
- vi) The two additional single person rooms proposed, although of a minimal size, would make a very significant difference.
- vii) The proposed extension area has been reduced by 4.6 square metres, to comply with the planner's advice. Also the planned small toilet has been relinquished, as advised.
- viii) The "flat" roof has been altered to monopitch with a significant fall, in compliance with council's recommendation.
- ix) The house currently has 4.6 x 4.6 metre, hard surfaced, off-street parking for two cars (ground Council owned).

**Mr. Charles Livingston and Ms. Catherine McCallum, Applicants.**  
**Erection of extension to dwelling house at 29 Stuckleckie Rd., Helensburgh G84 7NN.**

**Date: 27<sup>th</sup> August 2012.**

**STATEMENT ON BEHALF OF APPLICANTS RELATIVE TO REFUSED  
PLANNING APPLICATION NUMBER 12/01405/PP. PAGE 1 OF 2.**

**Areas:**

Site Area                    27.05 x 6.54 = 167.91 sq. m.

Development.

Existing shed                4.0 x 3.5      = 14.0 sq. m.

Existing House              8.25 x 6.4     = 52.8 sq. m.

Proposed extension = 4.615 x 4.790 = 22.10 sq. m.

Total area covered by development    88.90 sq. m

Development area as a percentage = 88.9 divided by 167.91 x 100 = 53% approx.

Private open space:

Site area less development area = 167.91 - 88.90 = 79.01 sq. m. (not 49 sq. m. as Council suggests)

**Proposed extension roof design:**

It is mono-pitched falling 1 in 46 – It is incorrect to describe it a *flat* roof.

The specific reason why the proposed extension has a mono-pitched roof is so that it should not dominate the existing building. The steeply pitched red roof of the existing house clearly remains the major and noteworthy element, undiminished in importance by the new roof.

**Off street car parking:**

The existing house has two parking spaces, not a single parking space as stated in Reasons for Refusal.

Look at As Existing Site Layout/Ground Floor Plan, drawing number 03A which shows an existing, 4.6 metre square, concreted car parking area off Stuckleckie Road facing the house and capable of taking two motor vehicles.

The client will request the council to consider allowing increase of this existing parking area from 4.6 to 6.5 metres i.e. to provide a single further car space as well as physical protection to the existing lighting column. If the principle is agreeable to Area Roads, the details could be worked out.

**Proposed extension footprint:**

Council should be aware that the Council received the initial application number 12/00914/PP on 25<sup>th</sup> April 2012 and responded to with a letter of 24<sup>th</sup> May 2012.

While earlier in the year the applicant had been given a positive reaction by Planning to the notion of a rear addition, the Council letter of 24<sup>th</sup> May suggested the size of the extension was a problem and warned of a recommendation for refusal (officially confirmed 18<sup>th</sup> June 2012).

At a meeting with Planning on 29<sup>th</sup> May 2012 Council recommended withdrawal of the current application 12/00914/PP and resubmission of modified plans with a new application with a smaller extension footprint and mono-pitch roof design.

The foregoing recommendations were accepted and, after consultation meetings with Planning when revised plans were tabled for comment, a new application 12/01405/PP was officially validated on 27<sup>th</sup> June 2012.

You will understand the disappointment and current dismay regarding the outcome, considering the honest efforts made following advice received.

This is plan reference 10 in the foregoing

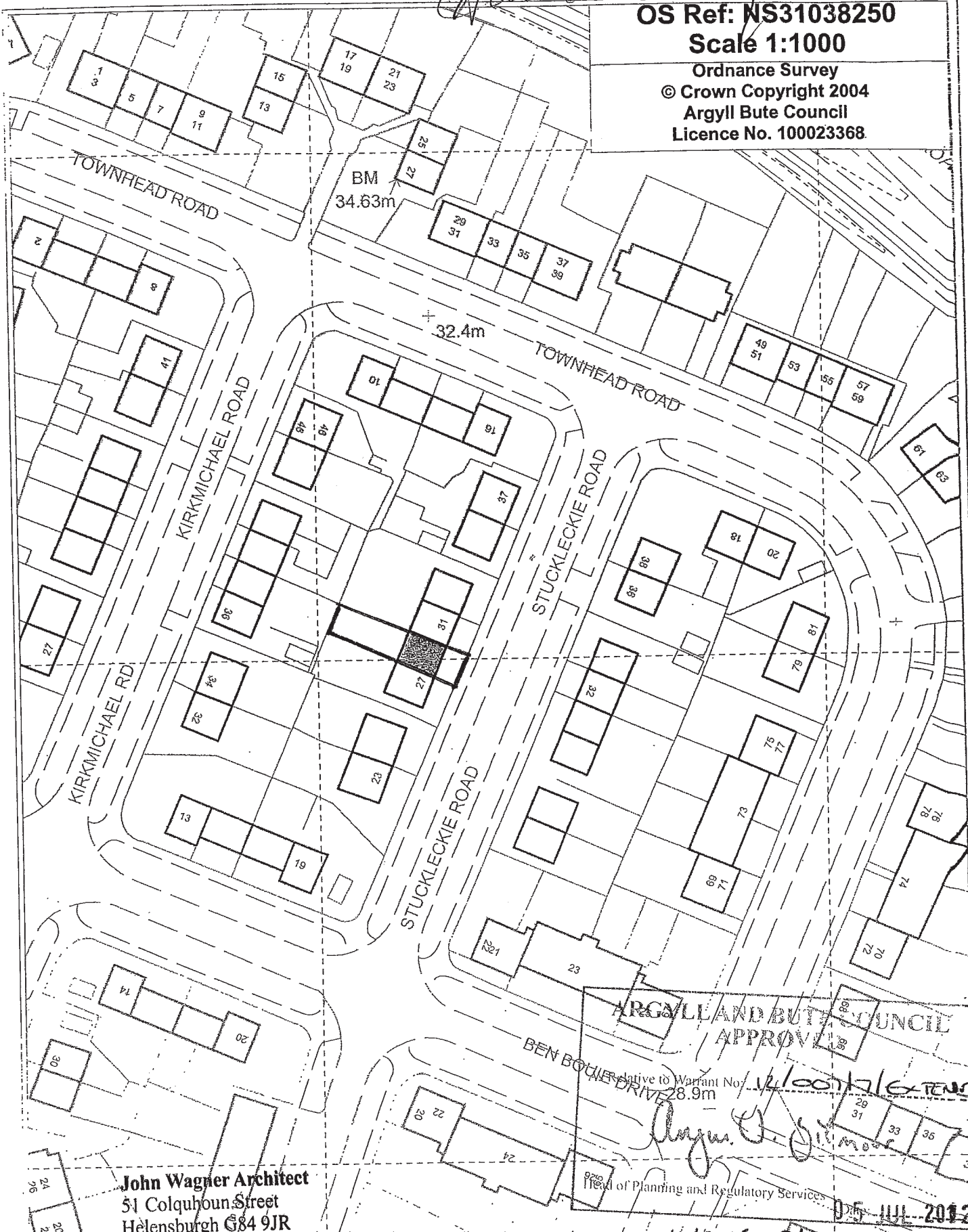
offer from

Argyll and Bute Council to Cathleen McAllan & Charles Livingston dated 12<sup>th</sup> April 2006

OS Ref: NS31038250

Scale 1:1000

Ordnance Survey  
© Crown Copyright 2004  
Argyll Bute Council  
Licence No. 100023368



John Wagner Architect  
51 Colquhoun Street  
Helensburgh G84 9JR  
Tel: 01436 670 422

ARGYLL AND BUTE COUNCIL  
APPROVED

relative to Warrant No. 14/00176/END  
28.9m

Head of Planning and Regulatory Services

075 JUL 2012

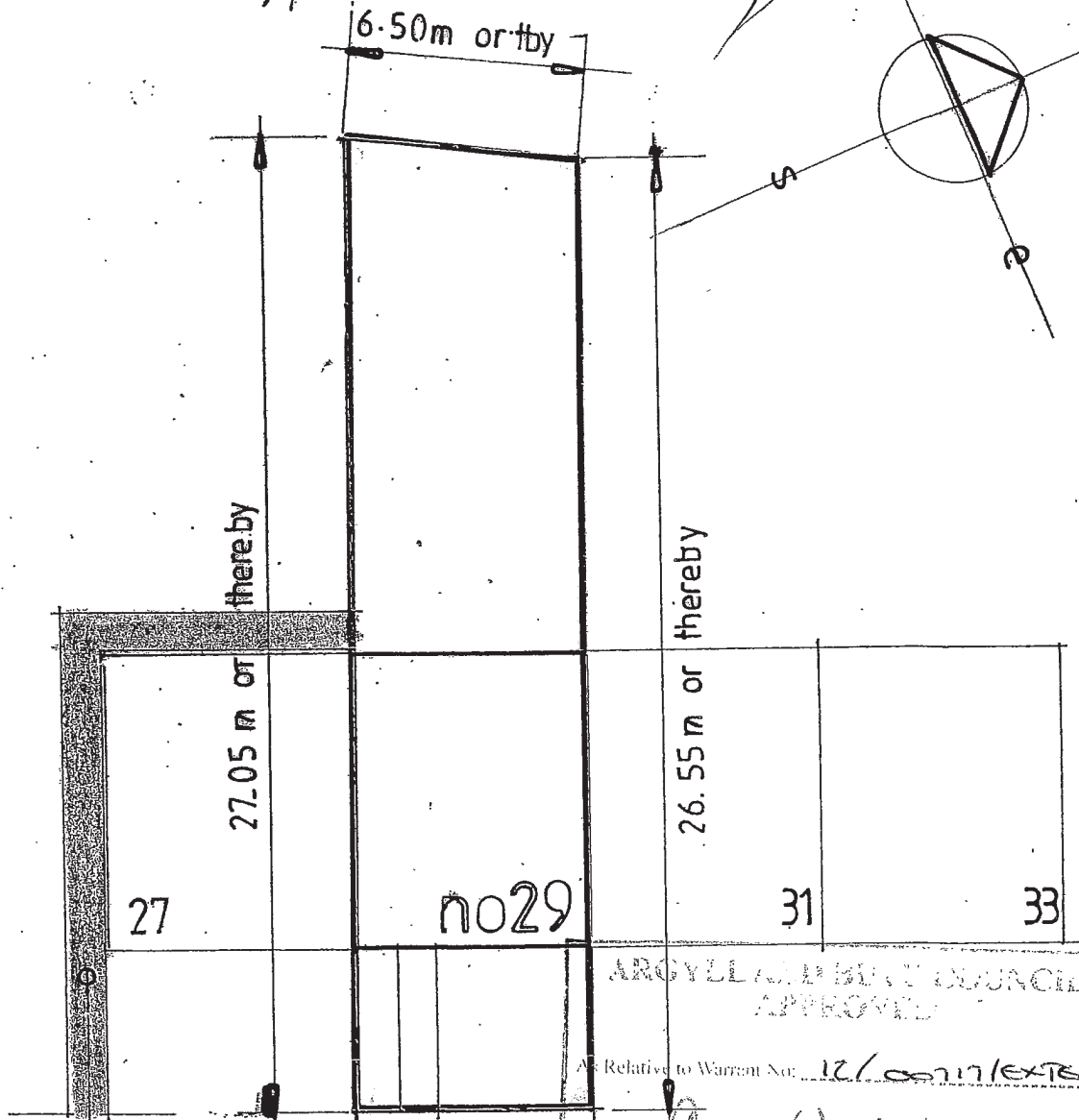
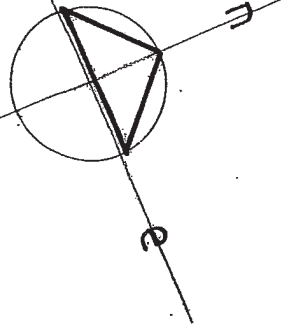
LOCATION PLAN DRAWING No. 01  
PROPOSED EXTENSION 29 STUCKLECKIE RD, HELENSBURGH  
G84 7NN.

This is plan referred to in the foregoing

Offer from

Argyll and Bute Council to Catherine McCallum & Charles Livingston dated 12<sup>th</sup> April 2006

*Annemarie Kelly*

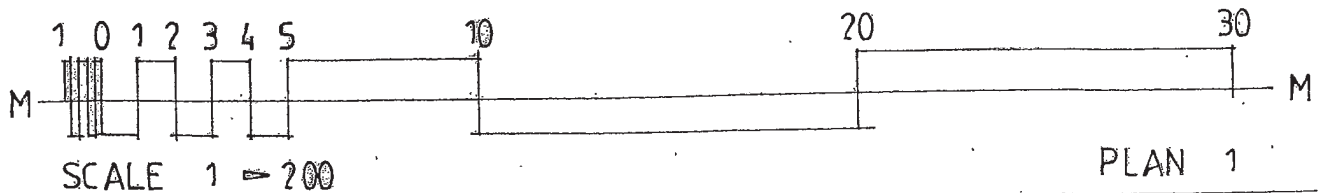


common ground 27 29

ARGYLL AND BUTE COUNCIL APPROVED  
As Relative to Warrant No. 12/0517/EXT10  
*John Wagner*  
John Wagner Architect  
51 Colquhoun Street  
Helensburgh G84 9JR  
Tel: 01436 670 422

**DRAWING No. 02**

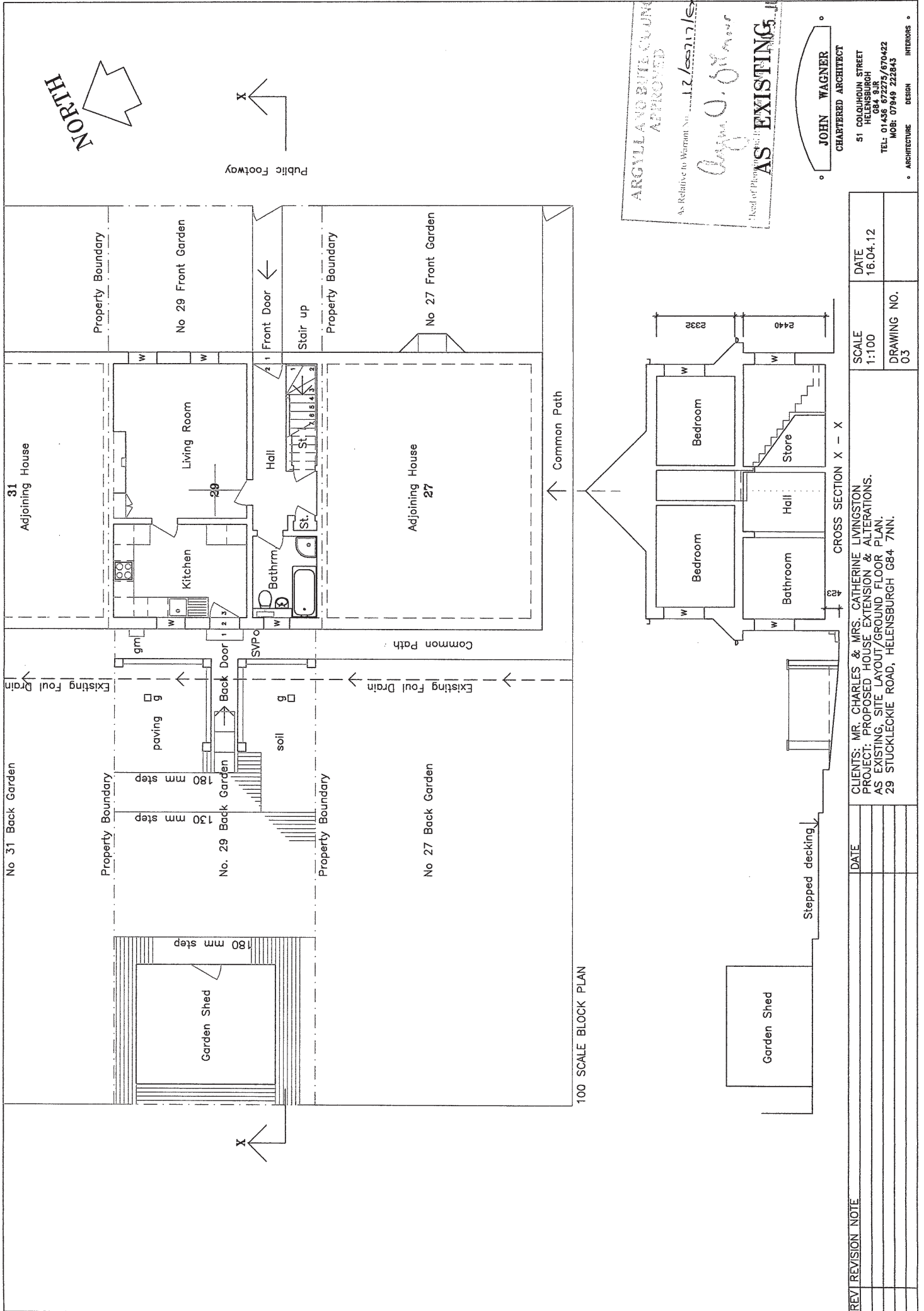
AREA WITHIN RED LINES 171.5sqM OR THEREBY



McCallum / Livingston. 29 stuckleckie road helensburgh

DRAFT

CHS 7508



ARGYLL AND BUTE COUNCIL  
APPROVED

As Relative to Warrant No. 12/2007/EXTEND

*John D. Wagner*

AS EXISTING 5 JUL 2012

**JOHN WAGNER**  
CHARTERED ARCHITECT

51 COLQUHOUN STREET  
HELENSBURGH  
G84 9JR  
TEL: 01436 672275/670422  
MOB: 07949 222843

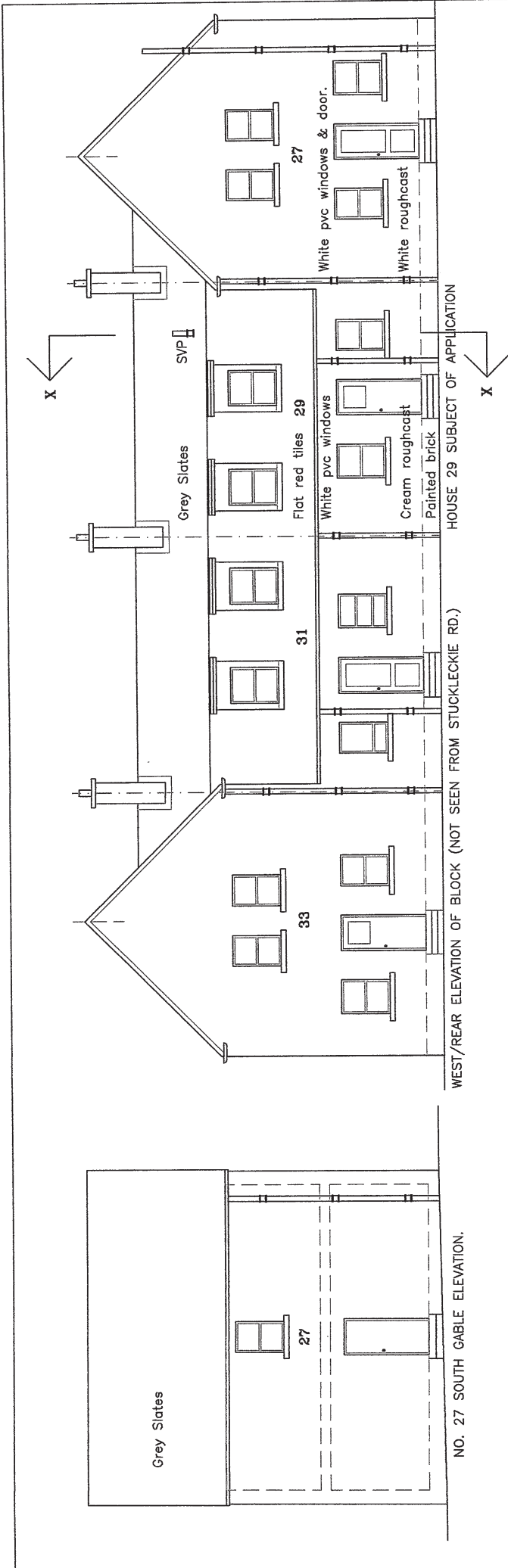
ARCHITECTURE DESIGN INTERIORS

REV	REVISION NOTE	DATE	SCALE	DATE	DRAWING NO.
			1:100	16.04.12	03

CROSS SECTION X - X

CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
AS EXISTING, SITE LAYOUT/GROUND FLOOR PLAN.  
29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.





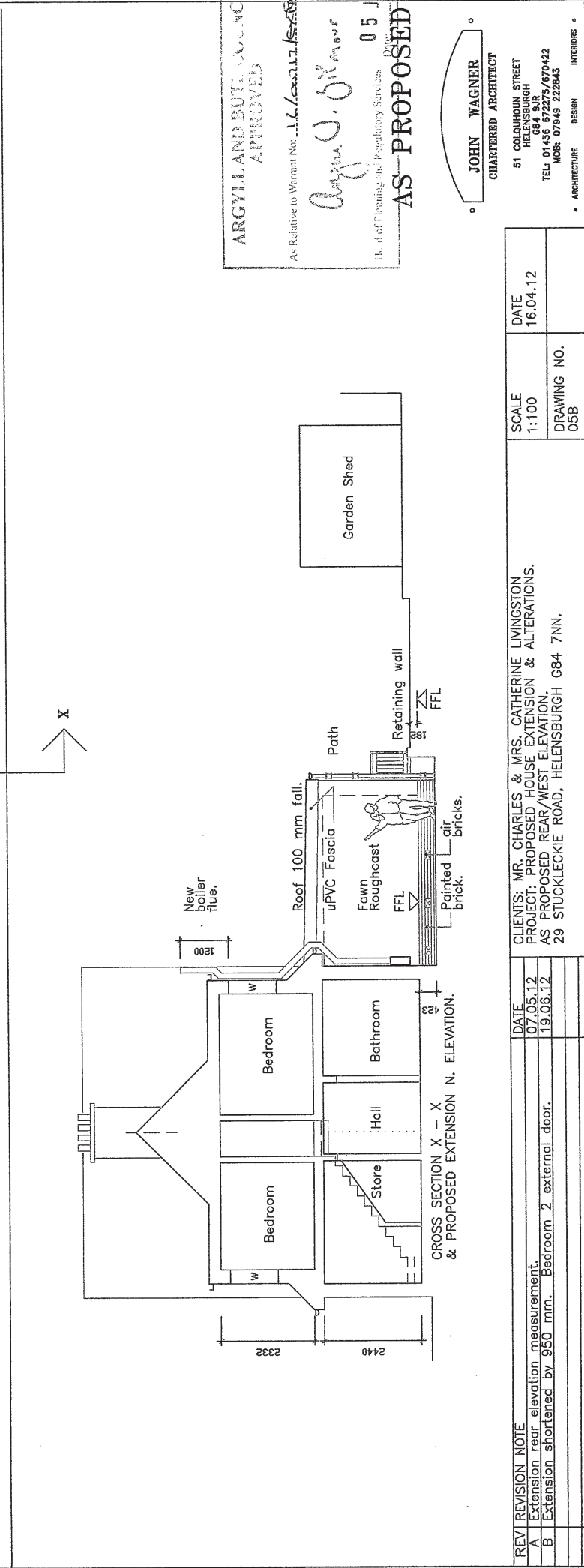
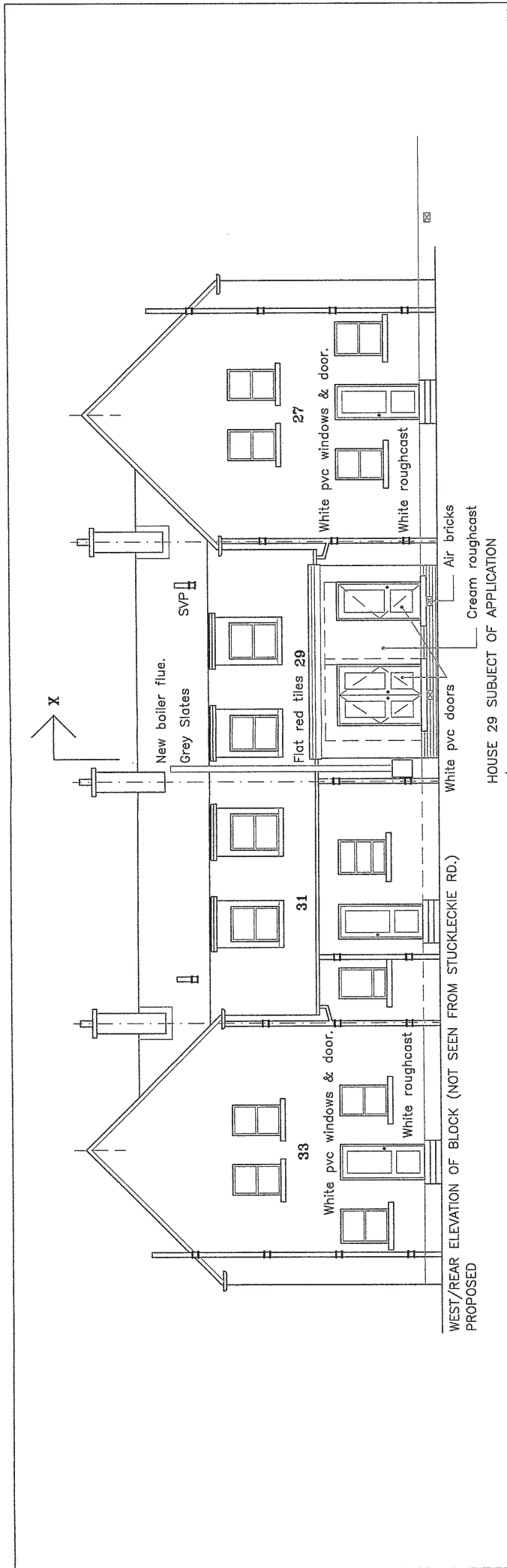
AS EXISTING 2012  
 12 / 17 / EXTEND

**JOHN WAGNER**  
 CHARTERED ARCHITECT  
 51 COLQUHOUN STREET  
 HELENSBURGH  
 G84 7NN  
 TEL: 01436 61415 / 670422  
 MOB: 07946 222843  
 ARCHITECTURE DESIGN INTERIORS

REV	REVISION NOTE	DATE	SCALE	DATE
			1:100	16.04.12
			DRAWING NO.	
			04	

CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
 PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
 AS EXISTING ELEVATIONS, REAR/WEST & SOUTH GABLE (NO.27)  
 29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.





ARGYLL AND BUTE COUNCIL  
APPROVED

AS Relative to Warrant No. 11/2011/1658/0

*Angela J. O'Sullivan*

05 JUL 2012

Office of Planning and Regulatory Services

**AS PROPOSED**

JOHN WAGNER  
CHARTERED ARCHITECT

51 COLQUHOUN STREET  
HELENSBURGH  
G84 9JR  
TEL: 01436 672275/670422  
MOBI: 07949 222845

ARCHITECTURE DESIGN INTERIORS

REV	REVISION NOTE	DATE	SCALE	DATE
A	Extension rear elevation measurement.	07.05.12	1:100	16.04.12
B	Extension shortened by 950 mm. Bedroom 2 external door.	19.06.12	DRAWING NO.	
			05B	

CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
AS PROPOSED REAR/WEST ELEVATION.  
29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.

Thermal Insulation of Building Envelope. (W/m<sup>2</sup>K) Standard 6.2.9, Column A.

- Wall 0.19
- Floor 0.15
- Flat roof 0.15
- Windows, doors 1.4

**WEATHER COVERING**  
Lay breather type roof underlay on top of insulation.  
Follow with three bituminous felt layers mopped on with hot asphalt. Green mineral finish final layer.

**WARM ROOF**  
Fall 1 in 46.  
125 reducing to 25 mm tilting fillets on top of joists.

**ROOF JUNCTION FLASHING.**  
Code 4 lead flashing below tiles and roof covering.

225 mm thick rigid insulation board on vapour control layer on 125 mm ply deck supported by roof joists.

**ROOF X SECTION**  
50 x 220 roof joists @ 600 mm crs. span 4.3 metres.  
Ceiling. 12.5 mm Plasterboard.  
REFER SPEC. FOR CONSTRUCTION DETAILS.

Substructure walls: 100mm p.c. conc. block, also engineering brick. Wall cavity filled up to G.L.

Compressible seal between floor deck and wall panels.

DPC below sole plate. Honeycomb support wall, 100 mm thick. Vented space. Floor joists 2m span air bricks

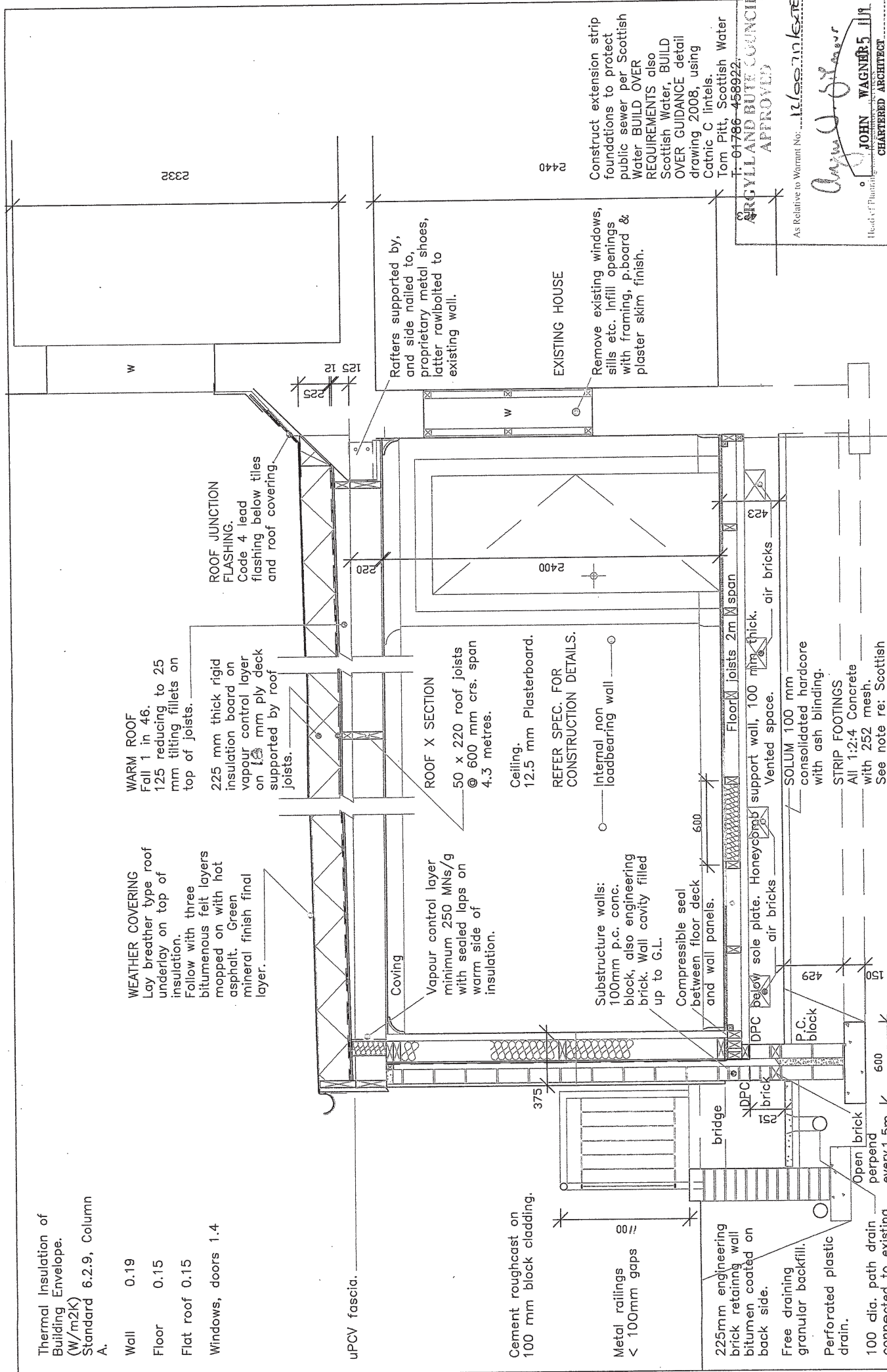
SOLUM 100 mm consolidated hardcore with ash blinding.

**STRIP FOOTINGS**  
All 1:2:4 Concrete with 252 mesh.  
See note re: Scottish Water.

See note re: Scottish Water.

**PROJECT**  
CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.  
EXTENSION, DETAIL LONG (EAST/WEST) SECTION

**REVISION NOTE**  
A 21.06.12 Extnsn.length (from house)  
25.06.12 Warm roof.



Rafters supported by, and side nailed to, proprietary metal shoes, latter rawbolted to existing wall.

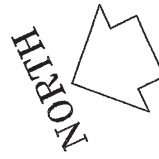
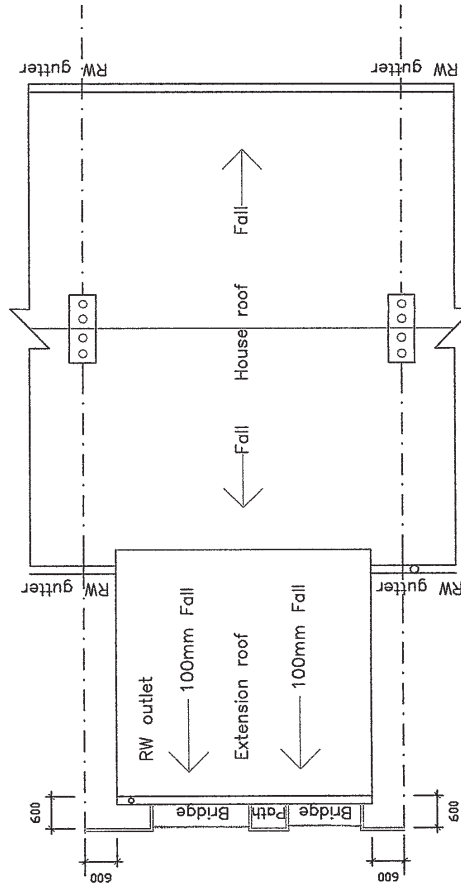
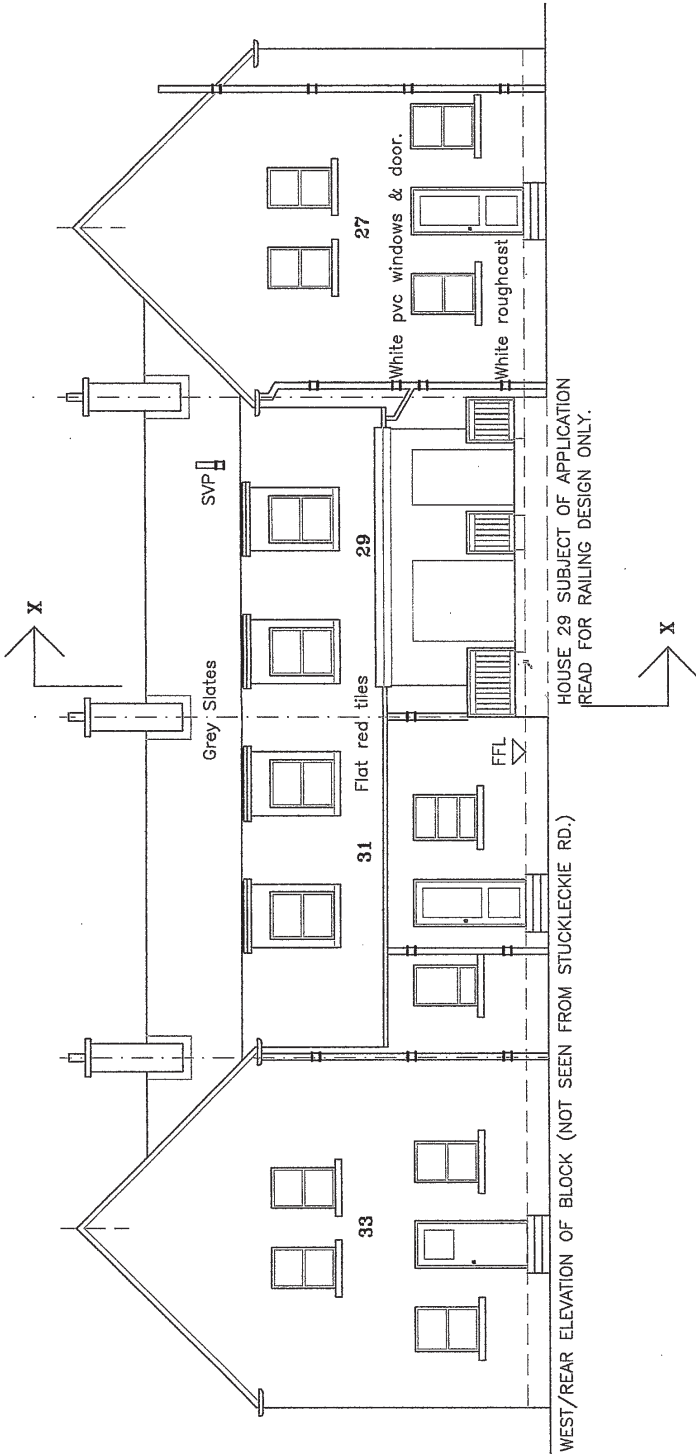
EXISTING HOUSE

Remove existing windows, sills etc. Infill openings with framing, p.board & plaster skim finish.

Construct extension strip foundations to protect public sewer per Scottish Water BUILD OVER REQUIREMENTS also Scottish Water, BUILD OVER GUIDANCE detail drawing 2008, using Catnic C lintels.  
Tom Pitt, Scottish Water  
T: 01786 458922

**ARGYLL AND BUTE COUNCIL**  
APPROVED  
As Relative to Warrant No: 12/08/16/ST/END  
Head of Planning  
**JOHN WAGNER** 5 JUN 2012  
CHARTERED ARCHITECT  
51 COLQUHOUN STREET  
HELENSBURGH  
TEL: 01436 67 0422/67 2275  
MOB: 07 965 610 638  
ARCHITECTURE DESIGN INTERIORS

1:25	DRWG NO.
DATE	08A
11.05.12	



ARGYLL AND BISHOPSCOTE COUNCIL  
APPROVED

As Relative to Warrant No. 12/2017/1675

*Catherine Livingston*

Lead Architect: Catherine Livingston 05 JUL 2012

AS PROPOSED

JOHN WAGNER  
CHARTERED ARCHITECT

51 COLQUHOUN STREET  
HELENSBURGH  
G84 7NN  
TEL: 01436 67375/670422  
MOB: 07 965 610 638

ARCHITECTURE DESIGN INTERIORS

REV	REVISION NOTE	DATE	SCALE	DATE
A	Extension shortened by 950 mm.	19.06.12	1:100	09.05.12
B	Extension width corrected.	26.06.12	DRAWING NO.	
			09B	

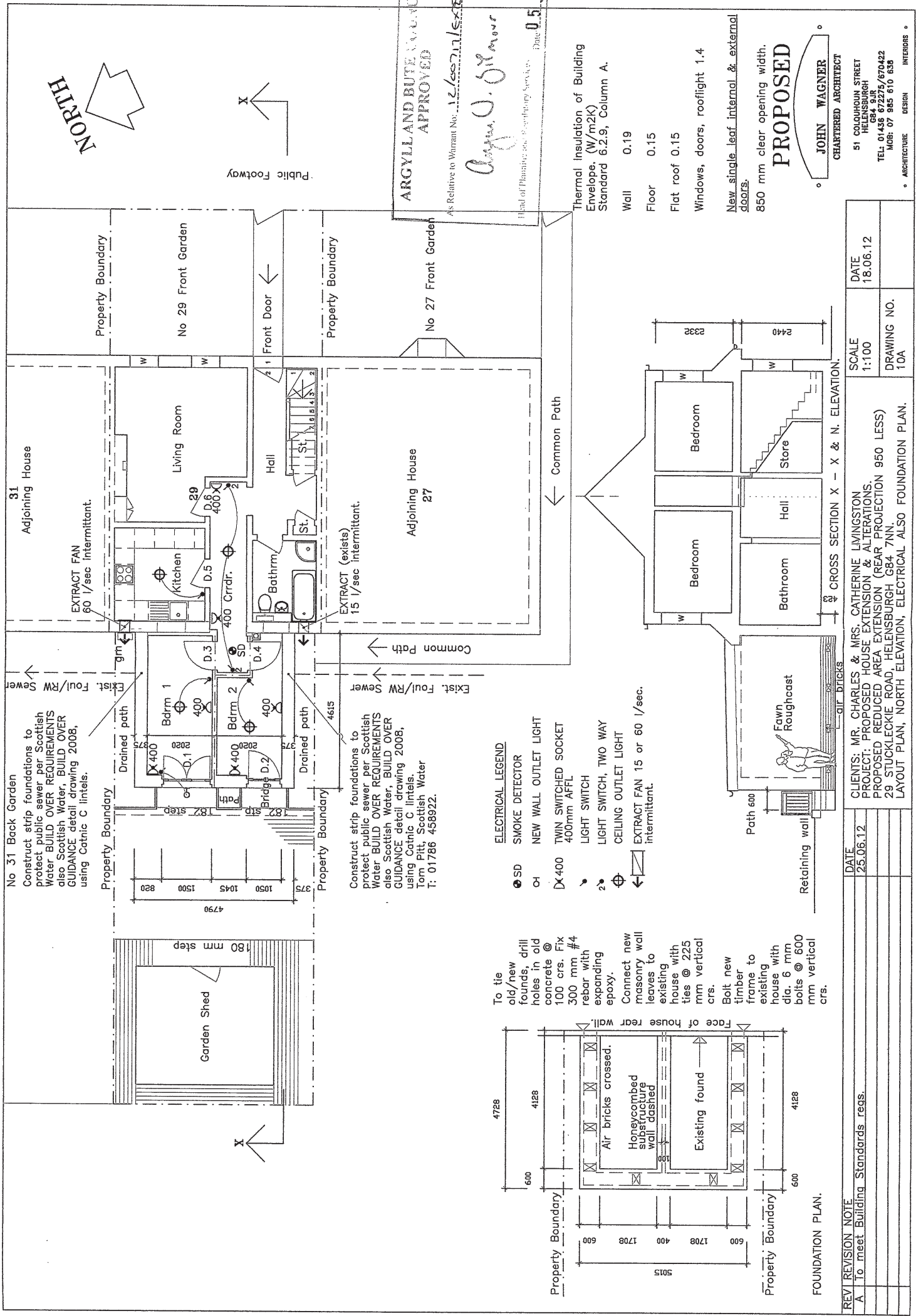
CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
PROPOSED EXTENSION REAR/WEST ELEVATION.  
PLAN OF ROOF OVER PROPOSED EXTENSION AND HOUSE.  
29 STUCKLECKIE ROAD, HELENSBURGH G84 7NN.

Date 05 JUL 2012

ARGYLL AND BUTE COUNCIL  
APPROVED

As Relative to Warrant No. 12/0571/1/5/EX

*Angus D. Gilmore*  
Head of Planning and Regulatory Services



Thermal Insulation of Building Envelope (W/m<sup>2</sup>K)  
Standard 6.2.9, Column A.

Wall 0.19  
Floor 0.15  
Flat roof 0.15  
Windows, doors, rooflight 1.4

New single leaf internal & external doors.  
850 mm clear opening width.

**PROPOSED**

JOHN WAGNER  
CHARTERED ARCHITECT

51 COLOUGHAN STREET  
HELENSBURGH  
TEL: 01436 64 2276/670422  
MOB: 07 865 010 655

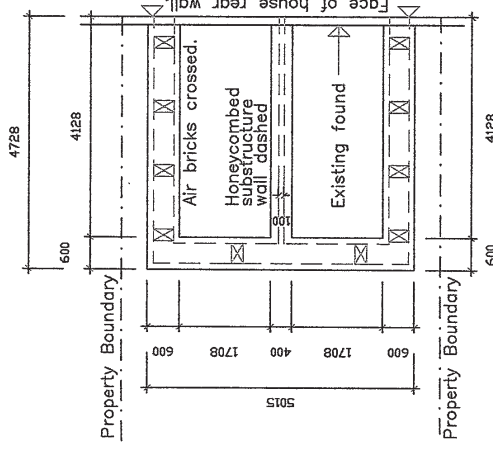
No 31 Back Garden  
Construct strip foundations to protect public sewer per Scottish Water BUILD OVER REQUIREMENTS also Scottish Water, BUILD OVER GUIDANCE detail drawing 2008, using Catnic C lintels.

Construct strip foundations to protect public sewer per Scottish Water BUILD OVER REQUIREMENTS also Scottish Water, BUILD OVER GUIDANCE detail drawing 2008, using Catnic C lintels.  
Tom Pitt, Scottish Water  
T: 01786 458922.

**ELECTRICAL LEGEND**

- SD SMOKE DETECTOR
- NEW WALL OUTLET LIGHT
- ⊗ 400 TWIN SWITCHED SOCKET 400mm AFFL
- ⚡ LIGHT SWITCH
- ⚡ 2 LIGHT SWITCH, TWO WAY
- ⊕ CEILING OUTLET LIGHT
- ↔ EXTRACT FAN 15 or 60 l/sec. intermittent.

To tie old/new drill founds, drill holes in old concrete @ 100 crs. Fix 300 mm #4 rebar with expanding epoxy.  
Connect new masonry wall leaves to existing house with ties @ 225 mm vertical crs.  
Bolt new timber frame to existing house with dia. 6 mm bolts @ 600 mm vertical crs.



FOUNDATION PLAN.

REVISION NOTE	DATE	SCALE	DATE
A To meet Building Standards regs.	25.06.12	1:100	18.06.12
		DRAWING NO.	
		10A	

CROSS SECTION X - X & N. ELEVATION.

CLIENTS: MR. CHARLES & MRS. CATHERINE LIVINGSTON  
PROJECT: PROPOSED HOUSE EXTENSION & ALTERATIONS.  
PROPOSED REDUCED AREA EXTENSION (REAR PROJECTION 950 LESS)  
29 STUCKLECKIE ROAD, HELENSBURGH CB84 7NN.  
LAYOUT PLAN, NORTH ELEVATION, ELECTRICAL ALSO FOUNDATION PLAN.

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**STATEMENT OF CASE  
FOR  
ARGYLL & BUTE COUNCIL**

**REFUSAL OF PLANNING PERMISSION FOR THE  
ERECTION OF EXTENSION TO DWELLINGHOUSE AT  
29 STUCKLECKIE ROAD, HELENSBURGH**

**PLANNING APPLICATION**

**REFERENCE NUMBER: 12/01405/PP**

**PLANNING APPEAL REFERENCE: 12/0014/LRB**

**17 September 2012**

## **INTRODUCTION**

The Planning Authority is Argyll & Bute Council ('the Council'). The appellants are Mr and Mrs Charles Livingston ('the appellants').

The detailed planning application, reference number 12/01405/PP, for the erection of an extension to a dwellinghouse at 29 Stuckleckie Road, Helensburgh ('the appeal site') was refused under delegated powers on 22 August 2012. The planning application has been appealed and is subject of referral to a Local Review Body (LRB), reference number 12/0014/LRB

## **DESCRIPTION OF SITE**

The application site comprises a two storey, mid-terraced dwellinghouse located within the Kirkmichael development in Helensburgh.

## **SITE HISTORY**

12/00914/PP – Erection of extension to dwellinghouse – Refused 15 June 2012

12/01405/PP – Erection of extension to dwellinghouse – Refused 22 August 2012

## **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Argyll & Bute Council considers the determining issues in relation to the case are as follows:

- Whether the proposal accords with Development Plan Policy and whether there are any material considerations to outweigh these adopted policies.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan Policy and other material considerations.

## **COMMENTS ON APPELLANT'S SUBMISSION**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Applications 12/00914/PP and 12/01405/PP were both assessed on this basis as is the appeal.

In the appellants' statement reference is made to floor areas in terms of development area. We quote the proposed development area as 87 square metres and a remainder of 75 square metres. The appellants quote 88.9 square metres and a remainder of 79.01 square metres. It's considered that the differences are marginal particularly as the appellants' submission states that the site area is 167.91 square metres whilst the submitted plans (which refer to the Building Warrant submission) state that the site area is 171.5 square metres. We both agree that the proposed development area as a percentage is 53% which is greater than allowed under Local Plan policy. The 49 square metres refers to the earlier refusal and was included (wrongly) in the Appendix of the latter application.



The first grounds for refusal state that there is a slight pitch to the roof. The roof of the proposed extension has, according to the appellants, a fall of 1 in 46 and a difference of 100mm over the length of the roof. This confirms what the plans show that to all intents and purposes it is a flat roof extension.

Reference is also made to discussions with the Planning Department. The appellants' agent was advised that when the original application was submitted, reference 12/00914/PP, the proposed extension was contrary to policy, constituted over-development and could not be supported. Following refusal, the appellants' agent was advised that he could submit a free application within one year of refusal. However, if it didn't address the policy background then the only basis to argue the case was on personal circumstances and even then we advised that it was unlikely we could support it.

Local Plan Policy LP HOU 5 clearly states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As it would occupy 53% of the site area the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan.

### **OTHER MATERIAL CONSIDERATIONS**

The appellants make reference to personal circumstances and to parking. Whilst the personal circumstances are noted they are not considered to be sufficient justification to overturn the clear lack of policy support. In terms of parking, the spaces shown on the plans would need to be 4.8 metres wide and are not shown within the control of the appellants. Even if the spaces could be provided there remains the fact that the proposal constitutes over-development and is not supported by policy.

### **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

**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**

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**Reference No:** 12/01405/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr and Mrs Charles Livingston

**Proposal:** Erection of extension to dwellinghouse

**Site Address:** 29 Stuckleckie Road Helensburgh Argyll and Bute G84 7NN

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#### **DECISION ROUTE**

- (i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**
  - (ii) **Local Government Scotland Act 1973**
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#### **(A) THE APPLICATION**

- (i) **Development Requiring Express Planning Permission**
    - Erection of extension to dwellinghouse
  - (ii) **Other specified operations**
    - None
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#### **(B) RECOMMENDATION:**

It is recommended that planning permission be refused for reasons given overleaf.

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**(C) HISTORY:**

12/00914/PP Erection of extension to dwellinghouse Refused 15.06.2012

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**(D) CONSULTATIONS:**

Roads Helensburgh 15.08.2012 Parking provision is below the minimum  
And Lomond acceptable standard.

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**(E) PUBLICITY:** None

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**(F) REPRESENTATIONS:** None

(i) **Summary of issues raised**

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

(i) **Environmental Statement:** N

(ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N

(iii) **A design or design/access statement:** N

(iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

**Summary of main issues raised by each assessment/report**

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**(H) PLANNING OBLIGATIONS**

(i) **Is a Section 75 agreement required:** N

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** N

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**(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

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 5 – House Extensions

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

**(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.**

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): N**

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**(M) Has a sustainability check list been submitted: N**

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**(N) Does the Council have an interest in the site: N**

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(O) Requirement for a hearing (PAN41 or other): N

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

Planning permission is sought for the erection of a single-storey extension on the rear elevation of a mid-terraced, post-war dwellinghouse at 29 Stuckleckie Road, Helensburgh.

The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

Policy LP TRAN 6 states that off street car parking should be provided in accordance with the standards set out in Appendix C, which specifies a requirement for 3 parking spaces per 4 or more bedrooms. The existing dwelling house has only a single parking space and the proposal makes no provision for an additional space required by the Area Roads Manager. This would therefore create increased traffic hazards and congestion at this locality which would adversely affect vehicle and pedestrian safety. The development is therefore contrary to Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan in that it does not conform to road guidelines.

A supporting letter was sent by the applicant regarding their personal circumstances. In summary, there are 8 people, including adult children, living in this 3-bedroomed house. They cannot afford to move to a bigger house and consider that an extension is their only option.

A previous application for an extension was also refused. This application has an improved design; however the footprint of the extension still exceeds the guidelines and limitations in the Local Plan.

The proposed extension is therefore considered to be a departure from Local Plan policy and is recommended for refusal.

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**(Q) Is the proposal consistent with the Development Plan: N**

**(R) Reasons why planning permission or a Planning Permission in Principle should be granted: N/A**

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**  
N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: N**

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**Author of Report:** Jim Reid

**Date:** 21/08/2012

**Reviewing Officer:** Howard Young

**Date:** 21/08/2012

**Angus Gilmour**  
**Head of Planning**



**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 12/01405/PP**

1. The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.
2. Policy LP TRAN 6 states that off street car parking should be provided in accordance with the standards set out in Appendix C, which specifies a requirement for 3 parking spaces per 4 or more bedrooms. The existing dwelling house has only a single parking space and the proposal makes no provision for an addition space required by the Area Roads Manager. This would therefore create increased traffic hazards and congestion at this locality which would adversely affect vehicle and pedestrian safety. The development is therefore contrary to Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan in that it does not conform to road guidelines.

**NOTE TO APPLICANT**

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 20 April 2012 and the refused drawing reference numbers 1/5, 03, 04, 04A and 06.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application 12/01405/PP

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- (A)** 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

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- (B)** The reason why planning permission has been refused.

The proposal is for a single storey rear extension to this mid-terraced dwelling. The proposed extension would have a slightly mono-pitched flat roof and a footprint of approximately 22 square metres. Given existing development within the curtilage this would bring the total area of the site covered by development to approximately 87 square metres which would be approximately 53% of the site area and would leave a private open space of 75 square metres. Policy LP ENV 19 and Appendix A states that the design of developments must be compatible with their surroundings and care should be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties. Policy LP HOU 5 further states that extensions should not dominate the existing building by way of size, scale, proportion and design; it also states that flat-roofed extensions will not be permitted where they do not complement the design of the existing house. Appendix A also specifies that terraced houses, including any extensions should occupy a maximum of 45% of the site area and that a minimum of 100 square metres of open space should be available. As such the proposal constitutes over-development of the site and is not compatible with its surroundings. It would be contrary to Policies LP HOU 5, LP ENV 19 and Appendix A of the adopted Local Plan which presume against flat roofed development and state that development should not dominate the existing building or surrounding area by way of size, scale, proportion or design.

Policy LP TRAN 6 states that off street car parking should be provided in accordance with the standards set out in Appendix C, which specifies a requirement for 3 parking spaces per 4 or more bedrooms. The existing dwelling house has only a single parking space and the proposal makes no provision for an additional space required by the Area Roads Manager. This would therefore create increased traffic hazards and congestion at this locality which would adversely affect vehicle and pedestrian safety. The development is therefore contrary to Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan in that it does not conform to road guidelines.

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**MacInnes, Hazel**

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**Subject:** FW: INTIMATION TO APPLICANT/AGENT OF REPRESENTATIONS RECEIVED,  
Received Friday 21st September 2012.

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**From:** John Wagner  
**Sent:** 25 September 2012 11:39  
**To:** localreviewprocess  
**Subject:** INTIMATION TO APPLICANT/AGENT OF REPRESENTATIONS RECEIVED, Received Friday 21st September 2012.

I wish to comment regarding this representation particularly regarding the two applications as follows

12/00914/PP – Erection of extension to dwelling house – Refused 15 June 2012

12/01405/PP - Erection of extension to dwelling house – Refused 22 August 2012

Page 8 of the 13 page document, item (L) has the application been subject of statutory pre-application consultation (PAC): N

The above statement should read Y. The agent met with and consulted Mr. Jim Reid, Planning Technical Officer before each of the above applications were lodged. For example meeting on 29<sup>th</sup> May 2012 at Blairvadach.

Despite advice from the Planning Technical Officer regarding size, roof design and finishing materials the first application was refused.

So at a further meeting after this refusal, Mr. Reid suggested the proposed area of the extension should be reduced. Again the planner's advice was positively acted on.

On Tuesday 25<sup>th</sup> September 2012 the agent spoke with Mr. Howard Young, Senior Development Controller, who agreed that the statement (L) is incorrect.

At these several consultations, a misleading impression was given to the applicant and his agent. This appeared to suggest "*if you make these changes the application has a good chance of success*".

Thus essentially this planning appeal to the Local Review Body is motivated by the same positive interpretation by the applicant.

John Wagner Architect Limited

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