

Dear Members of the Local Review Body,

Please find attached our representations for your consideration regarding the Appeal for 23/01046/PP submitted on the 12<sup>th</sup> March 2024.

We consider the Appeal does not add anything further of material consideration and therefore should be rejected.

Further, we consider it disingenuous and unacceptable that the Appeal has dropped the main thrust of the Application, to widen the driveway for extra parking on the verge, when the photographic hard evidence shows that still to be the case and so the appellant's "intent" (as put by Planning in the RoH) remains the same.

We suggest the new thrust in the Appeal to future-proof the property for people of disability (seemingly laudable) is a ruse for parking on the verge.

We suggest future-proofing a property for sale or rent as intimated in the Supporting Statement in the Appeal is not a material consideration for Planning.

We suggest the legal precedent cited (that of an international shipyard and its industrial scale parking) is not relevant to this application in scale or intent.

If that is the closest case available then we suggest there is no legal precedent for this Appeal. We would suggest the LRB consider the plethora of arguments for not parking on the pavement (the verge here is effectively a pavement) raised during consultations for proposed legislation to prevent parking on pavements.

We suggest that the four nearby drives (actually rights-of-way as with that of the appellant) photographed and cited in the Appeal as precedent to widen the 'drive' to accommodate 2-3 vehicles abreast, actually succeeds simply in doing the opposite, as each of these four drives has its needs met by its 1-vehicle width access with no separate provision for pedestrian access. Please note these four drives are free of vehicles being parked on them, as shown.

We further ask the LRB to consider the level of honesty, openness and disclosure shown throughout this series of related planning applications (22/00597/PP, 22/00599/PP, 22/00600/LIB and 23/01046/PP and the supporting documents from agents) which has been challenged repeatedly with little retort, and consider if the Appeal simply continues in the same vein.

We would respectfully ask the LRB to consider if the factual hard evidence shows that the Planning Process and perhaps now the Appeals Process are being abused and held in contempt, or not.

The inherent risk in raising an appeal is that those in judgment may consider the original 'sentence' was not severe enough.

There are 34 cases returned on the judgment-search for the Scottish Supreme Court using "revoke planning". Not all will be relevant, of course.

We respectfully suggest the decision in favour of 22/00599/PP and 22/00600/LIB, granting permission for a fourth external door with a 10-step external staircase for this 2-bedroom property leading onto a section of our garden appropriated by the appellant, should be revoked. Similarly, revoking the permission for a second kitchen displacing the garage would remove this self-inflicted parking problem. We consider these decisions may perhaps have been made under duress in negotiating the withdrawal of the request to tarmac over the whole of the grass verge concerned and negotiating the withdrawal of the request to remove the lamppost concerned, which were contained in these same two planning applications. We also questioned at the time whether LDP/HEP policies were being broken. Of course, once permission was granted for this fourth external door and 10-step external staircase for this 2-bedroom property, the appellant then went ahead to hardcore the grass verge and remove the lamppost anyway without authority, resulting in enforcement notices.

We ask the LRB, if within their powers and if they consider the Planning and Appeal processes have indeed been held in contempt, to revoke 22/00599/PP and 22/00600/LIB, and have their associated works removed and made good. We would also like the appropriation by the appellant without our knowledge of our house name defying Council Policy on the matter, to be revoked. This is causing post and deliveries issues (with attendant privacy concerns) that the Council Policy is set to avoid.

We are pleased that there is a new Planning ATL now in place since these failures, as we see them, took place.

These 'failures' are simply an unavoidable consequence of Planning being duty bound to accept everything submitted by applicants at face value, we would suggest. We trust the LRB is not similarly bound regarding submissions from appellants.

We are sure you will agree that the integrity of the Planning Process and Appeals Process must be upheld, and shown to be upheld.

Perhaps a tad melodramatic, but please consider our submissions as a form of 'victim statement'.

Attachments:

1. Our Representations and Objections in regard to the Appeal 24/0005/LRB
2. The Proposed Site Plan from 22/00600/LIB showing intent from the outset for additional parking on the verge, as noted by Planning

Yours sincerely,  
Robert and Phyllis Thomson

48 Charlotte Street, Helensburgh G84 7SD

PS

Site photograph taken earlier today (26-03-24)



It shows once again the occupants' cars parked on the verge 2-abreast whilst the Appeal states "in the unlikely event that a car being parked on the driveway".

Again, there are two cars (see other photographs taken on different dates in our submission) so it seems that doubly unlikely events happen all the time.

In the 14-day window to respond to the Appeal we have passed 50 Charlotte Street three times and on each occasion, as in the photograph above and those in our submission, cars are parked on the right-of-way contrary to claims in the Appeal.

Further, this photo shows clearly the proximity to the dangerous corner and shows clearly that there is no safe-haven afforded the general public to avoid oncoming traffic at this

driveway. The state of the verge is also in full view. We dutifully ask the LRB to be completely circumspect with what is being claimed in this Appeal.

### **Shorter and Pragmatic Version for Rejecting the Appeal made for 23/01046/PP**

- 1) Let's imagine a situation where (as now being claimed though contrary to all the factual and observed evidence) that there is no parking on the so-called driveway of the property concerned (actually just a right-of-way belonging to Luss Estates up to the property's boundary wall) THEN with an empty drive (or even one with the occasional visitor's car on it) there would be no issue for pedestrian access to the property at all, whether disabled or otherwise, with ample room on the current 6m-plus wide 'drive' and so the Appeal to widen the drive should be rejected.
- 2) Let's imagine a situation where the applicant had not successfully applied to convert the garage into a second kitchen for this 2-bedroom property THEN there would be no parking issues at all and so the Appeal to widen the drive should be rejected as the so-called problem has been self-inflicted with the public now being expected to bail-out the inflictor...the simple and LDP/HEP compliant alternative is to maintain the garage as a garage (no completion certificate for the additional kitchen works has been lodged), and so the Appeal should be rejected.
- 3) Let's imagine a situation where the wooden boundary gates to the property concerned could be opened at least occasionally as now being claimed cannot be done (the previous elderly owner opened and closed them all the time to park her car in the courtyard) to let visitors into the courtyard within. We suggest the latest "red herring" is that these wooden gates are stuck. The LRB should note that the current second occupant of 50 Charlotte Street is the eponymous Robbie Anderson Builder Limited specialising in joinery. Mr Anderson filed as a dormant company for 2022 so has had time aplenty to sort these wooden gates. 50 Charlotte Street has been given as this company's service and registered address since 2021, so he is on site. These facts are recorded on the trusted and public government website Companies House. Of course, opening the wooden gates would allow any disabled visitor arriving by car to enter the courtyard and therefore afforded the closest proximity to the house itself for their greatest convenience so THEN there would be no reason to widen the so-called driveway, and so the Appeal should be rejected.
- 4) We understand that future-proofing the property for any disabled future owner or tenant as now being claimed in the Appeal is not a material planning concern. This would come under caveat-emptor for new owners or tenants anyway, we suggest. Therefore, the Appeal should be rejected.
- 5) These reasons are additional to the ones of public safety upon which refusal was based.

## **Sample Photographs of Site taken post-Submission and pre-Determination of the Appeal**



View South of Drive

March 2024



View North of Drive

March 2024



View Head-on to Drive

March 2024

Simply, it's the old adage that a picture is worth a thousand words. We would add that actions are worth a thousand words, too. The grass verge is a midden, and has been for over two years, the builder's yard within the property spills out onto the street, and has done for over two years (ie before any planning applications had been submitted by the appellant), the passageway for pedestrians along the verge is blocked by the owner's parked vehicles and by their building materials and by their skips and by their wheelie bins, and has been the case for over two years, and the passageway is further blocked by recently planted boundary hedging to the north. This makes the case that there is open passage for pedestrians along the grass verge at the boundary wall as claimed in the Appeal a nonsense, and therefore untrue.

### **The History of Repeated Attempts to Widen the Drive**

It is pertinent that the LRB know this history:

- 1) 22/00599/PP and 22/00600/LIB submitted in March 2022 by the appellant requested the hardstanding coverage of the grass verge for additional parking and the removal of the lamppost which obstructed widening the drive...therefore, the prerequisite removal of the lamppost to allow widening of the drive are two interdependent activities and so the unauthorised removal of the lamppost must be addressed as integral to 23/01046/PP.
- 2) We have attached the Proposed Site Plan for 22/00600/LIB showing the application to remove the lamppost, hardcore the verge for extra parking and planting hedging which would prevent pedestrian passage, for the LRB's convenience.
- 3) These requests in 22/00599/PP and 22/00600/LIB were subsequently withdrawn as these applications underwent multiple revisions.
- 4) As we are not party to any such exchanges, we must presume these withdrawals were made in consultation or negotiation with Planning perhaps to get other controversial aspects of these applications through eg additional third and fourth external doors for the 2-bedroom property, a second kitchen for a 2-bedroom property, and a new 10-step

external staircase into the property contrary to planning policy. Perhaps the LRB could verify or otherwise that such possible exchanges took place with Planning.

- 5) Regardless, the appellant went ahead covering the entirety of the verge north of the drive with hardcore and removing the lamppost in late 2022 without the required authority.
- 6) These actions were served by Incident Report 221207- 000554 and Enforcement Notices 22/00171 & 22/00153.
- 7) The hardcore was subsequently removed but the lamppost was not put back in place.
- 8) 23/01046/PP was lodged on 30 May 2023 to widen the drive and remove and relocate the lamppost, the latter as a proposal as if it were not already done bar the commissioning,
- 9) Surprisingly, commissioning took place just days later on 7<sup>th</sup> June 2023, this time by the Council, despite its own incident reports and enforcement notices still being in place, despite 23/01046/PP only just beginning its due planning process and despite the intervention of our MSP.
- 10) Several additional contributions by further agents of the appellant (including the Appeal agent) were made later in 2023 to support 23/01046/PP as posted on the Planning website. We provided our comments to these as posted.
- 11) 23/01046/PP was rejected by Planning majoring on the Roads Department's public safety concerns in December 2023.
- 12) We are now in the Appeal process as of March 2024.
- 13) We have had to point out multiple and repeated discrepancies (our euphemism) in all four planning applications submitted in this package, which was described by MH Planning Associates, who are one of the appellant's agents, as being "procedural irregularities" (MHP's euphemism, we would suggest).

### **Conclusion and Recommendations**

- 1) The Appeal has not added anything new and should be rejected.
- 2) The Planning Decision in December 2023 should be fully endorsed.
- 3) There is no need for a site visit as Planning have visited many times and commented, the site is in full visibility of the street, the street is on a favoured route to the Council offices in Helensburgh to avoid 4-5 sets of traffic lights and so well known, and many photographs of the site have been submitted both by the appellant and ourselves.
- 4) The LRB should consider if the Planning and Appeal processes have been abused and held in contempt.
- 5) If finding so, the LRB should consider what should be done further to a simple rejection of the Appeal to help maintain the integrity of the Planning and Appeal Processes, as is the accepted risk of appellants inherent in undertaking any appeal, if the LRB has such power.
- 6) We trust that the LRB is not beholden to having to take everything submitted at face-value as Planning must do (as stated in the Report of Handling for 23/01046/PP copied into the Appeal) and can consider in full the hard factual evidence and intent.

## **Longer Version for Rejecting the Appeal: Comments and Representations**

### **A) The Appeal Form**

- 1) It should be noted that this residential property is also the business premises of Robbie Anderson Building Limited since at least 2021 as stated on the public government website Companies House. This anomaly should have been disclosed.
- 2) The Appeal omits the full address of the property throughout (omitting 'Hapland Coach House') which we would suggest is to avoid another anomaly, namely that of the appellant obtaining our house name contrary to Council stated policy on the matter and without our knowledge. The property was known as The Mews its entire lifetime beforehand. We now get mistaken deliveries of post and building materials which the stated Council policy is designed to avoid.
- 3) The Appeal therefore does not meet the requirement that "The description should be the same as given in the application form" in the appeal's Description of Proposal by omitting the full and now gazetted address of the property in question as given on the planning application itself.
- 4) We consider the request for a site review is unnecessary as the site has been visited on multiple occasions by the Council, is in full view from the public road, we and the appellant have submitted many photographs of the site, and it avoids any possible accusation that any planned site visit was ever stage-managed.

### **B) Grounds of Appeal**

- 1) Section 2.1 states "Members should be made aware that the lamppost in the screenshot below has been removed" and therefore members should also be made aware that
  - a. The application to remove said lamppost was made in March 2022 in 22/00599/PP and 22/00600/LIB submitted by the appellant.
  - b. This aspect of the application was withdrawn presumably after discussion with Planning which the LRB could confirm.
  - c. The physical removal of said lamppost was a pre-requisite to widening the 'driveway' and was included in 23/01046/PP (ie in year 2023) but
    - i. The lamppost was removed in 2022 without the required authority of the Council nor the Health & Safety proviso of using Scottish Power Networks to do so, and therefore by definition an unlawful act and one of criminal damage, and was subject to Council incident Report 221207- 000554 and Enforcement Notices 22/00171 & 22/00153.
    - ii. These interventions halted the work leaving a stump of the original lamppost in place but with a new lamppost column positioned some distance from the original and so further away from where it was needed at this dangerous corner for public safety to be placed outside our house to the loss of our amenity (a material consideration for Planning), but not commissioned.
    - iii. Regardless, 23/01046/PP was submitted on 30 May 2023 as a proposal (not retrospective) for removing and relocating the lamppost as a pre-requisite for widening the driveway (also giving a misleading positioning of the "proposed" relocation for which there was no excuse as it had already been done).



- iv. Surprisingly, a few days later on 7 June 2023 the work to do this was undertaken by the Council this time despite its own Enforcement Notices being in place, despite its own Incident Report, despite 23/01046/PP still to undergo its due planning process, and despite the intervention of our MSP. Unfortunately, these matters have not been explained by the Council.
- d. Section 2.2 states “This (driveway of #50) is consistent with other driveways on Charlotte Street” but is clearly not the case as shown by the driveway photos submitted in the Appeal itself where the other four rights-of-way are single vehicle access only and do not include any separate provision for pedestrian access.
- e. Drawings in section 2.2 show a 30-40% expansion of the driveway which cannot be considered “modest” as claimed.
- f. Section 2.3 stating “The use of the land does not change” is not true because widening changes the use from public grass verge to private cobbled vehicular driveway, particularly on the north side.
- g. Section 3.1 states that “Where a matter is not noted as a ground of refusal we consider that it is accepted by the Council.” This should be reciprocated. Key must be that it has therefore been accepted by the appellant that the ground in question belongs largely, if not in total, to Luss Estates and the so-called private driveway is simply a granted right-of-access still owned by Luss Estates.
- h. Section 3.3. regarding changes to LDP2. The fundamental principles of the earlier LDP2 should still stand.
- i. Section 3.6 claims that the Council has a “misunderstanding” of 23/01046/PP in regards to parking. We would suggest there is no misunderstanding as all the hard factual evidence has shown perpetual parking on this right-of-way since the applicant moved into the property 2-3 years ago.
- j. Section 3.7 stating “the current driveway enabling two cars to park comfortably” is not quite correct (actually cheek-by-jowl in terms of opening car doors on this 6m wide space) and therefore another reason behind widening the drive, we would suggest. This is in contradiction to 3.25 in the Appeal that states there is an “unlikely event of a car being parked on the driveway”. So now we seem to be discussing two unlikely events happening simultaneously. This is confused or confusing thinking.
- k. Section 3.11 about street parking not being subject to restriction at this location is not correct as the immediate proximity to the right-angled junction with East Rossdhu Drive is subject to Highway Code Rule 243 ie no parking should occur within 10m of a junction. There is permitted parking at the top of Charlotte Street but that forces traffic to cut the corner so causing any parking north of said driveway to be within 10m of the junction.
- l. Section 3.12 states “The Proposed Development is largely a cosmetic exercise.” This does not stack-up with the 6-7 or so attempts to get this widening through Planning, the use of 5-6 or so different agencies so far in doing so, now including the involvement of one of Scotland’s largest LLPs, with all the resultant expense.

- m. Section 3.13 concerns street design. Designing Streets also states, “Encroachment of parking space into visibility splays should be avoided where practical” and that streets are social spaces so “The design of all streets should recognise the importance of creating places for people to enjoy, rather than simply providing corridors for the movement of traffic.” We would argue having no safe haven to avoid oncoming traffic at this dangerous corner location is not an enjoyment.
- n. Section 3.15 on risk. It is very controversial, and to many perverse, to claim making something more dangerous than it already is adds to its safety.
- o. Section 3.16 claims “we are dealing with a private driveway” which is not true as the Appeal document has not challenged, and by their own standards, therefore accepts that we are dealing with a right-of-way owned by Luss Estates (see B1g above) which only leads up to the applicant’s private driveway which starts at the boundary vehicle gates of the property. We know this to be the case as we too are subject to the same burden placed by Luss Estates as the superiors, as is generally accepted to be the case throughout Helensburgh especially for those properties with access traversing the grass verges.
- p. Section 3.24 “The displacement of pedestrians at this location is considered a red herring.” We suggest it is the appellant who is suffering a major misunderstanding here. The displacement is one of being prevented from seeking safe haven in the event of oncoming traffic coming round this blind bend at this location. Being able to walk along the grass verge would be a bonus for dog walkers (not suitable for people in wheelchairs or children on bikes, of course) but builders’ rubble, skips, parked cars and newly planted hedging (see photographs taken March 2024 above) make that impossible too.
- q. Section 3.25 states “in the unlikely event of a car being parked on the driveway area” in denial of all the hard evidence showing such car parking to be the continual case. Come on!
- r. Section 3.28 states “There is no evidence that the widening of the driveway to include a pedestrian footpath would encourage parking specifically on the grass verge”. 22/00599/PP and 22/00600/LIB sought to tarmac over the grass verge to the north for additional parking. This was refused or withdrawn after discussion with the Council but the applicant went ahead anyway and was subject to enforcement notices. We trust the LRB can see a repeated pattern here and value factual evidence over often broken pledges, some needing formal enforcement. Planning has called such “intent”.
- s. Section 3.28 – 3.33 seeks to minimise, bordering on trivialising, the amenity and heritage aspects of Helensburgh’s grass verges. We trust the LRB would disagree,
- t. Section 3.31 states “The proposed development does not erode any of these factors because it is not a new driveway that is being installed but rather the resurfacing of an existing driveway plus the modest addition of a pedestrian footpath to and from the Property.” The widening aspects of the right-of-way are new especially that 10-20% expansion at the north side that has no pedestrian value.
- u. Section 3.35. These Google Map photos submitted in the Appeal make our point made above about the right-of-way at these four adjacent properties being only one-car width and do not have separate pedestrian provision. Once again, and for at least the third time, the appellant is hoisted-by-your-

own-petard. Petard 2 being the independent and random event Google Maps photograph of the owner's car parked on the right-of-way as submitted previously, and submitted again in this Appeal, by the appellant. Petard 1 being the photograph of a lamppost in pristine condition submitted previously by the applicant after the applicant had pledged that the lamppost was in bad condition due to multiple vehicle collisions upon it and riddled with rust as a supposed reason for its unauthorised and so unlawful removal.

- v. Section 3.38 states that "Therefore, the Proposal actively contributes to improving the safety of the public who will make use of the resurfaced driveway." This does not include the general public who will actually be denied safe haven at this dangerous corner. Any perceived benefit to the occasional visitor (hardly "the public" as stated) to #50 is greatly outweighed by the disbenefit to the overall general public using upper Charlotte Street.
- w. Section 3.40 quotes Policy 5 of the LDP2 "The proposal should, where practicable, be resource efficient by utilising existing infrastructure and facilities." But the perfectly serviceable lamppost has been removed without authorisation requiring a brand-new lamppost column at a new location where its needed benefit for maximum illumination at the dangerous corner has been taken away and, we understand, the perfectly serviceable current cobbles are to be replaced altogether. Therefore, the Appeal does not accord with Policy 5 of LDP2.
- x. Section 4.1 on "Objector's Comments" states that "In respect of the first and second dated objections, none of these comments are relevant to the determination of the planning application." This is not true with the objections even being listed under the Planning's material consideration framework, and these objections were given due respect in the Report of Handling.
- y. Section 4.2 states "In respect of the third dated objection, we consider that these grounds of appeal address the comments that have been made where those comments constitute relevant planning considerations." This is not true and insufficiently specific, and therefore not acceptable as a point of appeal.
- z. Section 5 on Disability and Health & Safety in general. These (seemingly in this case) highly laudable concerns apply equally to the general public using Charlotte Street not just the occasional visitor to #50.
- aa. Section 5.4 on the Fire and Rescue Service. The elephant in the room remains the perpetual parking regime plainly apparent on the right-of-access to #50 which would severely restrict any needed access for the Fire and Rescue Service. This would be by far the Fire Service's main concern. Petard 4?
- bb. Section 5.5 requesting a site visit is unnecessary as the site has been visited many times by the Council, is in open view from the public street and there is a catalogue of photographs taken of the site available to the LRB.
- cc. Section 6's Conclusion that the Appeal should be granted is not supported by the hard factual evidence. Hard factual evidence should be afforded far greater weighting than often broken pledges, some requiring official enforcement, in the LRB making its decision.

**C) Section 7.1: Decision Notice 23/01046/P (including plans)**

- a. We agree with Planning’s decision and would add the following for the LRB’s consideration that...
- b. The Site Plan current (as then) does not accord with that of the Registers of Scotland for Title deeds DMB49817 for 50 Charlotte Street (we believe the request to change the Title Plan was made 2-3 years ago and for reasons known only to the Keeper these have not been made)
  - i. The current RoS Title Plan still does not show the applicant as owner of the grass verge north of the right-of-access as claimed.
  - ii. It still does not show the applicant owning the section of our garden which was appropriated by the applicant without any discussion in order to get a fourth external entrance to their property with a new 10-step external staircase leading to this fourth entrance from this section of appropriated garden. These are some of the ‘controversial’ aspects of 22/00599/PP we referred to earlier.
  - iii. As said before, the right-of-access is owned by Luss Estates as still being confirmed by the RoS.
  - iv. In fact, Title Deeds DMB49817 were last updated in 1999.
  - v. Due to all the circumstances discussed above we prefer to depend on an independent and reliable government agency such as the RoS as arbiter.
- c. The Site Plan Proposed has the relocated lamppost in question still being outside #50 which is misleading and incorrect. The relocated position is further south to be outside our property, with resultant loss of our amenity with it shining into our windows. There is little excuse for this misrepresentation as the relocation had taken place without the required authority long before 23/01046/PP being submitted, and further misleads with the pretence the removal and relocation of the lamppost were still at the proposal stage.

**D) Section 7.2: Letter from Anderson Strathern LLP dated 14 November 2023**

- a. We stand by all our comments to this letter submitted previously in objection to 23/01046/PP as we find no relevant additional information in the Appeal.
- b. We would simply emphasise that:
  - i. This additional letter to the application itself majored on other properties parking on their right-of-access as precedent for getting the application accepted. This turned out effectively to be one property in another street. Planning identified that this showed “intent” to park on the right-of-way and stated so in its RoH.
  - ii. In fact, an independent and random Google Maps photograph of the occupants’ vehicle being parked on the right-of-way at #50 was submitted as part of this letter, as parking on the verge was the major argument for widening the right-of-access at the time.
  - iii. We find it disingenuous that with no material change evident in practice to the current parking regime upon the right-of-way at #50 (and the affirmation in the Appeal that this will not change) that this major argument has seemingly been dumped in favour of future-proofing the property for people of disability which, though prima facie laudable, we do not believe is a material consideration for Planning nor true intent.
  - iv. The letter simply stated that “Members should be made aware that the lamppost in the screenshot below has been removed” without mentioning it was a pre-requisite to widening the right-of-way, had been requested in two previous applications from the appellant, had been

refused by Planning, but was still undertaken without the required authority to the danger of the public, left the street in darkness for 6-months to the danger of the public, was subject to Council Incident Reports and Enforcement Notices, and even then still being stated as a proposal in 23/01046/PP long after the event.

- v. The said photograph also showed the lamppost column to be in pristine condition contradicting claims of multiple collision damage and severe corrosion made by the applicant to try to justify its unlawful removal and relocation affecting the safety of the public and our amenity (it being relocated to outside our house, again without the required authority).
  - vi. As said, prime examples of being hoisted-by-your-own-petard.
- c. Sections 7.3 – 7.6
- i. We have no comment beyond those one or two simple related observations and comments made above.
  - ii. We leave any detailed understanding and interpretation of these documents in relation to this Appeal to the LRB, the experts.
- d. Section 7.7
- i. One law case is cited that “In this claim under section 288 of the Town and Country Planning Act 1990 (“TCPA 1990”), the Claimants applied to quash the decision of the Secretary of State for Communities and Local Government, dated 13 October 2015, made on his behalf by an Inspector (Mr Richard Clegg), in which he allowed an appeal by Cammell Laird Shiprepairers & Shipbuilders Ltd (“the developer”), and granted planning permission for an on-shore office and warehouse building at the car park, Alabama Way, Birkenhead, Merseyside, CH41 5LJ (“the Site”), to serve as a marine operations and maintenance facility for off-shore projects The off-shore projects to be serviced by the development were windfarms in Liverpool Bay and the Irish Sea. A marine licence had been granted for the proposed floating pontoon and linkspan structure.”
  - ii. We do not see the relevance of this major shipbuilding case to 23/01046/PP except that it mentions an industrial parking area being converted for other purposes, which is not the case here because the appellant is claiming, “the use of the driveway is not in any way changing”.
  - iii. We do not think 23/01046/PP has the scalability to be relevant to the quoted law case, anyway.
  - iv. If this is the only case that the Appeal can find as precedent then we suggest there is no relevant legal precedent for 23/01046/PP.
- e. Section 7.8 Report of Handling for Planning Application
- i. We agree with the overall Planning decision but have some comments.
  - ii. The RoH states correctly that “Class 30 within the General Permitted Development Order (as amended) gives provisions for erection, maintenance, improvement or other alteration **by a local authority** of street furniture required in connection with the operation of any public service administered by them.” in regard to the said lamppost.
    - 1. But the whole point here was that the removal of the lamppost in 2022 was not undertaken by the Council but by unauthorised persons and so cannot be considered as Class 30.
  - iii. May we emphasise the relevance of point ii)v in the RoH that “The entrance on the roadside verge is used currently as a parking bay for 2-3

vehicles which rarely, if ever, enter the courtyard or builders-yard within.  
Comment: This is noted and has been observed on site visits.”

1. The Appeal perseveres with the claim that parking does not happen on this right-of-way.
  2. The Appeal states that there is an “unlikely event of a car being parked on the driveway” whilst submitting an independent Google Maps photograph showing the owner’s car so parked and states “the use of the driveway is not in any way changing”.
  3. This self-contradiction just causes confusion.
- iv. May we also emphasise the restriction upon Planning in bold below as given by point ii)vii made in the RoH that “A number of comments have been made in relation to the planning application forms, submitted plans including the omission of the streetlight in the proposal description, questioning whether pre-application discussions have taken place, trees have not been marked on the drawings, the statement regarding ownership is incorrect as Luss Estates own the verge, the location plan not matching the Registers of Scotland. **Comment: It is ultimately the responsibility of the applicant and agent to ensure that accurate information is contained in the submitted documentation and plans and that the proper procedures are followed.**”
1. The “Comment” illustrates the strictures of Planning procedure that Planning must accept at face value what they are told by applicants even in the face of hard evidence to the contrary of what is being claimed.
  2. Now these matters are with the LRB, who we trust are not bound or constrained by such unrealistic and outdated strictures, then the hard evidence can be weighed against claims in this Appeal.
  3. Briefly, we have had to point out these issues in this series of planning applications 22/00597/PP, 22/00599/PP, 22/00600/LIB from this applicant as well as 23/01046/PP.
  4. Even one of the applicant’s previous agents (MH Planning Associates) euphemistically called these issues “procedural irregularities”.
  5. We ask the LRB to consider our points on these issues (claims versus hard factual evidence) to consequently consider if any abuse or contempt was, and perhaps still is, being taken with the Planning Process, and now possibly with the Appeal Process.
- v. May we highlight within (P)(v) Background and Proposal and Site Description regarding 50 Charlotte Street:
1. “In previous permissions the former coach house is also known as ‘The Mews’. It has an established **use as a residential property** separate to Hapland (#48) **despite no record of a former application for subdivision**. The house has been extended as part of the application 97/00228/DET and within this permission is full details of the available parking and turning and the approved widening of the entrance at that time. The house is 2x bedroom and within the courtyard there is a garage for one car and parking and turning for one car. This meets the required parking standards for a 2-bedroom house at the time and also meets the current parking requirements within the LDP”, and

“The driveway for 50 Charlotte Street (relating to the proposal) has been subject to enforcement action in relation to the changes to access, formation of hardstanding and formation of parking area. The notice required the applicant to: “Stop utilising the land for parking, remove the hardstanding and re-instate the grass verge to the land affected.” This was not complied with within the 2-month timeframe – 17th March 2023 **but the applicant decided to submit this retrospective application which was not encouraged.**”

**E) Supporting Statement of Dawn Anderson...comments and observations**

- i. States “The driveway covering was installed in the 90’s, around a lamp post”. That was a condition set at the time to maximise the illumination at this dangerous right-angled junction with East Rossdhu Drive for traffic and pedestrian safety. With even more traffic in the 2020’s and potentially even more cars from another proposed 300-house development nearby, there is even greater concern that this lamppost has been unilaterally relocated further away from where it is needed at this dangerous corner.
- ii. States “The materials used in the original works were neither heritage nor complimentary of a Victorian listed building and badly needed replaced.” but once again the photograph submitted by the appellant does not focus on the cobbles themselves but from what it does show shows them to be in good condition. Once again, the photograph shows the claimed multi-damaged and rusted lamppost to be in pristine condition. We ask the LRB to consider why statements and self-provided photographic evidence do not accord, as has been the demonstrable track record across 22/00597/PP, 22/00599/PP, 22/00600/LIB and 23/01046/PP in this series of applications from the appellant.
- iii. States “Land on either side of the access was never levelled and on one side it’s difficult to exit cars or open the driveway gates due to the uphill slope.” which is surprising as
  1. This was never a problem for the elderly previous owner, a lady who lived on her own and always used the courtyard to park her vehicle.
  2. The other current occupant of 50 Charlotte Street is the eponymous Robbie Anderson Builder Limited who specialises in joinery according to Companies House and according to Companies House has filed as a dormant company for 2022 so has had plenty of time on his hands to attend to any claimed problem with these wooden gates.
  3. Come on! We suggest this is just another of many “procedural irregularities” (previous agent’s description) which the LRB should consider regarding possible abuse and contempt being repeatedly shown for the due Planning and Appeal processes.
- iv. States “I purchased the land from Luss Estates...” which as we have already noted has not been adopted by RoS some 2-3 years after the event. Our understanding is the claim of ownership only relates to the grass verge north of the right-of-access, not to the right-of-access itself nor the grass verge south of the right-of-access.

- v. Clarification is needed. In 23/01046/PP the applicant claimed she owned all the land concerned. We challenged that. She accepted that she did not own all the land. Yet in this Supporting Statement she is back to stating she owns all the land concerned.
- vi. States “I asked Argyll & Bute council to move the lamppost, which they did free of charge in June 2022, as I am the landowner.”
  - 1. Once again this does not accord with our understanding of the land ownership nor dates...this “free of charge” took place in June 2023 and was simply commissioning work already done.
  - 2. And the lamppost was removed in December 2022 not June 2022 and without the authority of the Council or Scottish Power Networks and was subject to Incident Report 221207-000554 and Enforcement Notices 22/00171 & 22/00153.
  - 3. Controversially (despite their own enforcement notices, despite 23/01046/PP just entering the planning process and despite the intervention of our MSP), the Council for whatever reason did complete the removal, relocation and commissioning of this lamppost but that was in June 2023 NOT June 2022 as being claimed.
- vii. States “A planning application to make the driveway wider in the middle to cover the slope was “misinterpreted” as a brand-new driveway development due to the architects use of the term ‘widening’ in the description.”. We suggest “widening” was an honest term used by the architect. This was never misinterpreted by the Council as being a brand-new driveway. Widening means widening regardless of the wordplay going on. And as Planning said in the RoH for 23/010146/PP, “It is ultimately the **responsibility of the applicant** and agent to ensure that accurate information is contained in the submitted documentation and plans and that the proper procedures are followed.”
- viii. States “I cannot rent my house out to tenants should I wish to do so, as the entrance is unsafe and I could be accused and sued for discrimination by a disabled tenant...” and, perhaps, intent is again on show here with this 7-8<sup>th</sup> or so attempt to get this widening passed, at great expense using the 5-6 or so sets of agents to do so. This rental potential perhaps is the underlying reason why this 2-bedroom property now has two kitchens (at the expense of the former garage which would resolve these parking issues, please note) and four external doors (one requiring a new 10-step external staircase) as a package of conversion.
- ix. Future proofing is not a valid material consideration for Planning is our understanding.
- x. We would suggest any new owner or tenant would be subject to ‘caveat emptor’ anyway.
- xi. Access to Buildings also provides for “limitation” as the appellant acknowledges as it is she who has submitted this “limitation” in her Supporting Statement.
- xii. We would expect the Fire and Recovery Service, who are cited in the Supporting Statement to be concerned about pedestrian access, to be primarily and far more concerned with the ongoing parking on the right-of-access which would block emergency services, if they had been fully informed by the appellant.



- xiii. Regarding concerns about disability, we would suggest the Fire Service would not have any such concerns if the 'drive' were left vacant with just a short 5m or so walk from the roadside proper to the boundary gates across a 6m or so wide current 'drive'.
- xiv. The appellant finishes by stating that "This is not about parking" so we must ask the LRB to be completely circumspect in these matters with all the hard factual evidence, even photographs submitted by the appellant herself, which would suggest otherwise.

**F) Our Conclusions and Recommendations concerning the Appeal for 23/01046/PP**

- 1) The Appeal fails to add anything new.
- 2) All its points have all been considered before by Planning and rejected.
- 3) Therefore, the LRB should reject the Appeal.
- 4) The LRB should, as a very minimum, endorse the Decision made by Planning in December 2023.
- 5) The LRB should dismiss the repeated request in the Appeal that "We would respectfully request that we be permitted to make further submissions..." as enough is enough with 7-8 or so attempts already to get the drive widened.
- 6) Further, we request that the LRB should go further and consider if the Planning process has been deliberately abused or held in contempt throughout these related Planning applications (23/01046/PP, 22/00597/PP, 22/00599/PP and 22/00600/LIB) with their many "procedural irregularities", to put it mildly, to get these four applications approved, and take appropriate action.
- 7) Ditto now with the Appeal Process, we would suggest.
- 8) That appropriate action could extend to revoking the approval of 22/00599/PP and 22/00600/LIB and demand the return of the associated works to a situation prevailing in 2021 before the appellant purchased the property concerned.
- 9) This would simply be in accord with the fact that raising any appeal, as we understand it, always has the accepted attendant risk of increasing the perceived 'penalty'.
- 10) There are many precedents for doing this, we would suggest.
- 11) The LRB has an overriding duty to uphold the integrity of the Planning Process.
- 12) The LRB has an overriding duty to uphold the integrity of the Appeal Process.
- 13) Further, we would kindly suggest the LRB has a duty to send out a clear and unequivocal message that the Planning Process and Appeal Process must be respected at all times as it is ultimately the responsibility of applicants (and appellants) to be open and honest in their submissions.

Please accept our apologies for the length of our representations but the cause is not of our making. Perhaps, as there have been 6-7 or so attempts (so far) to get widening of this right-of-way please consider that's just 2-pages per attempt, on our part!

Yours sincerely,

*Robert Thomson Phyllis Thomson*

Dr RW & Mrs PM Thomson

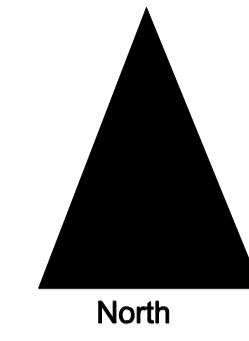
Hapland, 48 Charlotte Street, Helensburgh, Argyll & Bute G84 7SD

25<sup>th</sup> March 2024



Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. If in doubt, ask.

Notes:



# Planning

Mark	Revision	Drawn	Date
01	Lamp post moved	HM	10/05/22

## HMA Architects

19 Charlotte Street  
Helensburgh  
G84 7EZ

Tel 01436 672301  
e-mail hma.architects@yahoo.co.uk

Job Title Alterations to  
Hapland Coach House  
50 Charlotte Street  
Helensburgh

Drawing Title  
Site Plan

Drawn	Date
HM	22/03/22

Scale:  
200 @ a1

A horizontal scale bar with markings at 0m, 5, 10, and 15 meters.

Drawing No	Rev
560/P03	01

# Site Plan