

## Eaglesham, David

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**From:** Bob Brown [bobbrownartist@yahoo.com]  
**Sent:** 29 July 2009 17:08  
**To:** Eaglesham, David  
**Cc:** Harper, George; Gilmour, Angus  
**Subject:** Letters Lodge North, Strachur. 09/00436/DET.

Dear Mr Eaglesham, Letters Lodge North, Strachur. (09/00436/DET)

May I first of all thank you for taking time to visit my home to see at first hand the damaging effect which the above application will have on my amenity.

Having now had the chance to assess the problems on site and thereafter seen fit to endorse the report prepared by your department recommending approval of the application I feel duty bound to request clarification on some of the issues which will form the basis of my ongoing action. I would also like to express my dismay at the decision you have come to in respect of the above application.

- Page 1 (C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS. Item (i) Development Plan Context : (Paragraph 2). 'The design.....refusal of permission.' With no references quoted and given the extensive detailed and measured report submitted by me, who has deemed the design satisfactory and on what authority has the information in this paragraph been based? (Paragraph 3). 'The proposals.....Argyll & Bute Local Plan.' In this day of accountability may we assume that as the report bears your name, it is you who considers that the proposals conform to the Policies referred to, given the body of physical evidence to the contrary?
- Page 4. (i) POLICY OVERVIEW AND MATERIAL ADVICE. Adopted Cowal Local Plan1993. Policy POL BE 9 Design Guide D. 'Alterations to existing properties should be "sympathetic" to their context and setting.' I am at least as qualified as any town planner to assess the sympathy any design has for its setting and stated my concerns in my letter of 8th July all of which have been totally ignored and effectively eliminated from your consideration.This design is most certainly not sympathetic to its setting for the reasons I have already stated and therefore does not conform to Policy POL BE 9 Design Guide D. It goes on to say that "raising the roof" MAY be an acceptable solution but only where the new design does not conflict with the massing or design of nearby properties. Once again the terms of Policy POL BE 9 are contravened as the proposed roof is of an inordinantly overpowering mass in relation to its superstructure being more than 50% of the total completed proposal. It is also in direct conflict with the massing and design of all nearby properties being dissimilar to and with greater elevation than any of the other roofs within the courtyard. So far....'nil point' and total disbelief that you haven't noticed this. Argyll and Bute Local Plan Proposals for Adoption (June2009). Policy LP ENV 19 Appendix A. Clause 14.1 would appear to firmly on my side of any argument regarding daylight. Clause 14.2 would also appear to favour my position regarding daylight and sunlight. (All as proved by my report and with due reference to 'Site Layout Planning for Sunlight and Daylight' BRE1991.). Clause 14.3 is quite unambiguous in stating that where 14.1 and 14.2 are contravened, 'planning permission will be refused'. Policy LP HOU 5 a. This extension does totally dominate the original building by way of size scale proportion and design. Having looked at the three Policies which affect this application there appears to be nothing in them which this application conforms to and this naturally begs the question WHY HAVE YOU RECOMMENDED IT FOR APPROVAL?
- Page 4. Note (i): Your report states that the applicable elements of the above Policies have not been objected to. I would have to ask you whether or not you have actually read the case file? Perhaps for whatever reason you may wish to think that others won't. I would be pleased to have answers to the above inconsistencies.
- Page 5. (ii) SITE HISTORY. Paragraph 1. The apartment referred to as 'serving a store' was a habitable suite of rooms comprising living/kitchen, toilet, store and bed recess.

- Page 5. (iv) PUBLICITY AND REPRESENTATIONS. Point 1) This information is based on % increase in vertical elevation of the proposed application and as such is accurate, despite the applicants suggestion that it is irrelevant.
- Page 6. (iv) PUBLICITY AND REPRESENTATIONS. Points 7), 8) and 9). You feel the need to make comments on these points while taking no similar stance with the points raised by the applicant. The points were raised in response to the applicants letter of justification and their content was initiated by the applicant and not by me. Can you give me reasons for this ?
- Page 7. (iv) PUBLICITY AND REPRESENTATIONS. Points 10) and 11). All as page 6 above. The daylighting report prepared by an independent lighting consultant speaks for itself and is a total indictment on your recommendation.
- Page 8. APPLICANTS SUPPORTING INFORMATION. Bullet point 1. The upper storey of the house was destroyed 60 years ago not 50 as stated. By stating that she thinks the appearance of the building would be greatly enhanced by a pitched roof, she seems to be singing very clearly from a planning song book although her comments must surely be seen as totally subjective. Bullet point 2. The photographs submitted were taken on a single day of the year and do not give a true representation across the entire year. Sunlight to the front of my property in the evenings after 6pm comes over the roof of Letters Lodge North and this will be totally obscured should the proposed roof go ahead. Bullet point 3. With most of the stripping out work already completed the applicants proposals could with consent be completed before the end of the year. Stating that she intends to relocate within five years demonstrates a toe in the water approach which to me lacks commitment. There is no reason why she will not take the profits and move on leaving established residents to lick their wounds. Bullet point 4. As already stated my early calculations are relevant and do have a bearing on the case. All daylight calculations should be taken on an overcast day but my consultant has supplied information based on mean measurements taken on a sunny day and on an overcast day. As previously stated the distance between our properties is below that considered as good practice. Bullet point 6. There has been no factual evidence put forward by the applicant regarding the design or maintenance costs of the existing roof.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 2). This paragraph deals with the 'principal external alterations'. The design features described can in no way be regarded as sympathetic to their context and setting per Policy POL BE 9 and no reference is made to the Planning Officers reasons for granting permission for other design features to be included which were denied to me in my application for planning in 1999. Detailed explanations for these anomalies are requested.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 3). 'The size and design.....Argyll & Bute Local Plan.' In this paragraph the reason for the proposed design being acceptable is given as reflecting the scale of a separate building under different ownership which at no time in its history has ever been a design match to its northern part and still wont be, under the proposed alterations. I defy you to reconcile this paragraph with Policy LP HOU 5 a. which clearly states that 'extensions should not dominate the original existing building by way of size, scale, proportion or design.'...all of which are contravened by this application, and for your report to subliminally suggest that Letters Lodge North and Letters Lodge South be considered as a single property is nothing short of shabby, sharp practice. The proposal in no way reflects the scale of Letters Lodge South and I totally fail to see in which sense or any sense at all how the proposals could be considered to conform to the Policies referred to. This paragraph is in total denial of the physical measurements which have been conducted on site and quoted in my correspondence. I assume you have a table of measurements to justify your assertions and would welcome these as documentary evidence.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 4). Good practice in planning would restrict development on properties within 18m. boundary distance. You acknowledge the distance between our properties as 13.5m.. Do you therefore endorse practice within your department which could be regarded as below best practice standard? Please comment.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 5). It is incumbent on professional planners to take account of all material elements impinging on any case

and to seek to disregard my right to light is to ignore a threat to my amenity and furthermore a gross dereliction of professional duty. Please comment.

- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 6). This paragraph refers to the one and only exercise submitted by the applicant which is contained within BRE publications and being of objective mind I instructed my consultants to carry out the exercise on site to determine its pedigree. We discovered that the proposed roof would not contravene the 25\* angle rule and accept that. We also carried out four other light tests (two of which are recommended within the same section of the BRE publication referred to above) and discovered that the proposal would be more likely than not to have a substantial effect on the diffuse daylighting. Why make comment on the applicants single reference source and no comment on the many reference sources and measured results I supplied ? Please comment.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 7). Your report projects an overtly flippant attitude in suggesting that an existing set of circumstances brought about by your department in the first place.....'may be unfortunate'. It may well be an existing situation but is one which I and my family have lived with for 10 years and cannot be ignored in the overall assessment of relevant circumstances. Despite all of my representations to the contrary including a professional report which states that my daylighting will be FURTHER reduced by 60% of present levels (which you acknowledge as being below that recommended) you have seen fit to endorse a report by someone who considers that the new roof would not detrimentally affect the daylight to a significant degree. It is important for my pursuance of this matter that someone admits liability for this decision and I await your comments.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 8). 'The proposals are.....Argyll & Bute Local Plan. It is important that you elaborate on how you feel the proposals are considered to conform to the Policies mentioned by itemising the Policies (with Appendices) and relating the Policy statements to the individual items of the application covered by them. Only then can this statement be seen to have been objectively considered.
- Page 9. PLANNING LAND USE AND POLICY ASSESSMENT. B. (Paragraph 9). CONCLUSION . I feel insulted that your report should seek to dismiss my and my family's life's work and indeed our future, within a three lined conclusion which is as lacking in detail, objectivity and logical reference as is the bulk of the Development Services editorial in your report. There is no factual justification in any of your light weight, unilateral comments and I will undertake by whatever means possible to ensure your department is held accountable for its decisions.

I trust the above request for information can be organised and supplied to me in due course.

Yours sincerely,

Bob Brown.