

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

OFFICIAL USE
19 May 2014
H.M. / r.r.g.
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 Procedure)
(Scotland) Regulations 2013

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

Proposed Extension

(7)

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

Applicant considers that taking into account the information submitted and the various discussions and site visits held that it was demonstrated that the application should have been approved.

see enclosed applicants response to refusal of planning permission.



(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	Copy of Planning application form dated 13 th Feb. 2013
2	Copy of Planning refusal dated 20 th Feb. 2014
3	Copy of Application drawing Site-locality Plan
4	Copy of Application drawing Plans and elevation as existing
5	Copy of Application drawing Plans as proposed
6	Copy of Application drawing Elevations as proposed
7	Copy of the Applicants response to the refusal notice.
8	
9	
10	

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

Submitted by
(Please Sign)

Tom Grant

Dated

14th May 2014

Important Notes for Guidance

- 1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review**
- 2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.**
- 3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/**
- 4. If in doubt how to proceed please contact 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk**
- 5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT***
- 6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.**

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	Kenneth	Forename	Tom
Surname	Crawford	Surname	Grant
Company Name		Company Name	Tom Grant Architects
Building No./Name	16	Building No./Name	24
Address Line 1	Jubilee Terrace	Address Line 1	Argyll Street
Address Line 2		Address Line 2	
Town/City	Lochgilphead	Town/City	Lochgilphead
Postcode	PA31 8NT	Postcode	PA31 8NE
Telephone	01546 602325	Telephone	01546 603050
Mobile		Mobile	07770 538 661
Fax		Fax	01586 551727
Email		Email	tom_grant@btconnect.com
3. Postal Address or Location of Proposed Development (please include postcode)			
16 Jubilee Terrace, Lochgilphead, Argyll, PA31 8 NT			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input checked="" type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<input type="text"/>	Date:	<input type="text"/>

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Proposed front extension to existing terraced house

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

18

8. Existing Use

Please describe the current or most recent use:

Dwelling House

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

2

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

67 Chalmers Street Ardrishaig PA30 8DX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 13/01493/PP

Mr Kenny Crawford
Tom Grant Partnership Lochgilphead
24 Argyll Street
Lochgilphead
Argyll

I refer to your application dated 2nd July 2013 for planning permission under the above mentioned Act and Regulations in respect of the following development:

Erection of extension. at 16 Jubilee Terrace Lochgilphead Argyll And Bute PA31 8NT

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the reason(s) contained in the attached appendix

Dated: 20 February 2014



Angus J. Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 13/01493/PP

- 1. The proposed extension would be contrary to the provisions of policies LP ENV 19 and LP HOU 5 of the adopted Argyll and Bute Local Plan 2009 by virtue of its location, scale, massing and relationship to the adjoining dwellinghouse, 15 Jubilee Terrace. The proposed extension would give rise to a significant adverse effect to the residential amenity of 15 Jubilee Terrace through loss of daylight to living apartments having due regard to the applicable minimum standards relating to "Developments Affecting Daylight to Neighbouring Properties" as defined in the Sustainable Siting and Design Principles set out in Appendix A of the Argyll and Bute Local Plan 2009.**
- 2. The proposed extension would be contrary to the provisions of policies LP ENV 19 and LP HOU 5 of the adopted Argyll and Bute Local Plan 2009 by virtue of its location, scale and massing which would give rise to an 'over-development' of the available curtilage area having due regard to the development density of the immediate locale, and the applicable Sustainable Siting and Design Principles relating to "Open Space/Density" as set out in in Appendix A of the Argyll and Bute Local Plan 2009.**

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 13/01493/PP

- 1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk**

- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).**

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 13/01493/PP

- A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): **No**

If Yes: The terms of the Section 75 obligation may be viewed on the Council's website at www.argyll-bute.gov.uk by recalling the application reference number on the Council's Public Access Module and then by "Clicking" Section 75 Obligation under the attached correspondence or by viewing the Public Planning register located at Planning Services, Dalrada House, Lochgilphead, Argyll, PA31 8ST.

- B) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

- C) The reason why planning permission has been refused:

The proposed extension would be contrary to the provisions of policies LP ENV 19 and LP HOU 5 of the adopted Argyll and Bute Local Plan 2009 by virtue of its location, scale, massing and relationship to the adjoining dwellinghouse, 15 Jubilee Terrace. The proposed extension would give rise to a significant adverse effect to the residential amenity of 15 Jubilee Terrace through loss of daylight to living apartments having due regard to the applicable minimum standards relating to "Developments Affecting Daylight to Neighbouring Properties" as defined in the Sustainable Siting and Design Principles set out in Appendix A of the Argyll and Bute Local Plan 2009.

The proposed extension would be contrary to the provisions of policies LP ENV 19 and LP HOU 5 of the adopted Argyll and Bute Local Plan 2009 by virtue of its location, scale and massing which would give rise to an 'over-development' of the available curtilage area having due regard to the development density of the immediate locale, and the applicable Sustainable Siting and Design Principles relating to "Open Space/Density" as set out in Appendix A of the Argyll and Bute Local Plan 2009.

**Response to Refusal of Planning Permission 13/01493/PP.
16 Jubilee Terrace Lochgilphead**

The Planning Authority have refused the application on 2 grounds.

- 1 That the proposed extension is detrimental to the amenity of the adjoining property number 15 Jubilee Terrace because it would affect the daylighting into the adjoining property.
- 2 That the proposed development would lead to over development of the site.

It is important to consider the reasons for the proposed extension.

- 1 My client requires the additional accommodation because of his family size and he has put the house on the market for 12 months without any interest having been generated.
- 2 The extension cannot go the rear of the house because of the internal arrangement and the fact that the house at number 15 has a right of access along the rear wall of my client's house for refuse purposes and access to the rear garden.
- 3 There are defects in the front wall of the house causing dampness and the best solution would be to protect the front wall with an extension of modern construction.
- 4 The economic situation caused by the above prevents my client from improving his way of life and he must therefore take all necessary steps to improve the situation but has been prevented from doing so because of the lack of interest in the house sale and the councils attitude to the proposed development.

Daylighting to the adjoining property number 15

- 1 The proposed extension protrudes 3m from the existing face of the front elevation and extends to the front of the curtilage of the ground in Mr Crawford's ownership.
- 2 The roof of the extension is steeply sloping to merge with the existing roof structure and the angle allows daylight penetration to number 15.
- 3 It should also be considered that the existing window to number 15 faces due south and takes full advantage of the available daylight and sunlight. If the window faced north I could see the point of a reduction of daylight and sunlight being an issue but in this case the proposed extension will only affect the lighting in the early morning when the sun is low in the east.
- 4 The planning authority have given permission for 2 extensions at union street Lochgilphead which affect the daylight and sunlight into the living rooms and which protrude further from the front elevation. The orientation is very similar to number 14 and 15 Jubilee Terrace. Why was this permission granted? **See photographs below.**
- 5 The existing owners of number 15 have not objected to the extension and consider that the extension will act as a windbreak and form a sun trapped patio to the front of their house.
- 6 The planning authority feel that the daylighting does not comply with the documents they have put forward as affecting daylight to neighbouring properties but this document is for recommendation only and does not take into account the orientation of the windows in question.

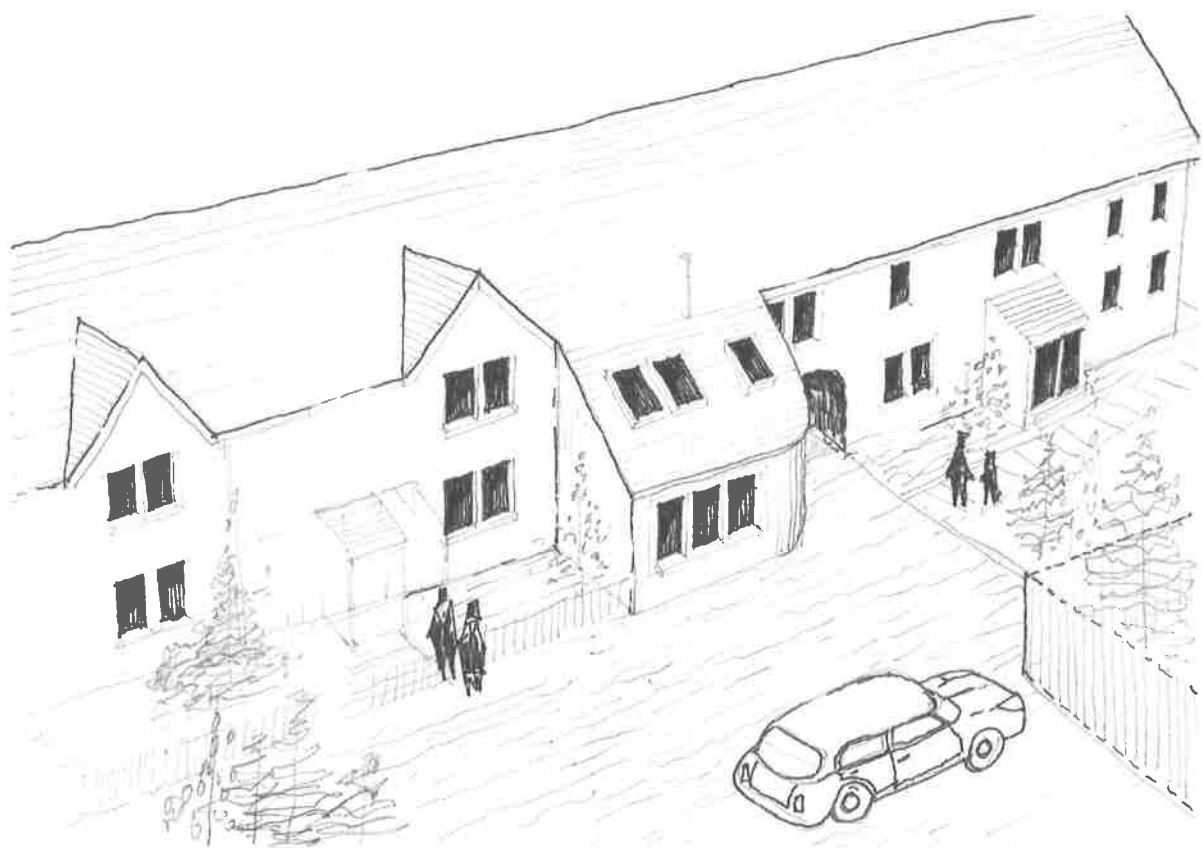


Porch Extensions in Union Street Lochgilphead which are larger than the proposed extension and which clearly overshadow the living room windows.

Proposed over development of the site.

The Planning authority indicate that they consider the development to be too large and over develops the site. My clients do not agree with this for the following reasons.

- 1 Lochgilphead is a town full of townhouse development built hard against the front boundary which is the main character of the area. This extension is built to the boundary and enhances the character of the large courtyard on to which face the rear of the adjoining properties.
- 2 Consideration should be given to the points indicated in the reasons for the proposed extension namely, Client requirement for additional accommodation, problems in selling and the restrictions because of rights of access to the rear.
- 3 The proposed extension provides a visual restriction to the access pend and the 3 new houses and creates a defensible space for them discouraging access only to visitors and owners.
- 4 The large courtyard which has recently been surfaced and car parking formed is overlooked by the rear of the adjoining houses which architecturally detract from the amenity of the area. It is hoped with the formation of the extension other extensions will be encouraged which will provide a more interesting space and make the courtyard a more user friendly area with additional planting and safe play areas.
- 5 The proposed extension extends the house by 14sq.m floor area which is one tenth the area of a new bungalow and is considered small.



Perspective of front elevation



Elevation of number 15 and 16 and new pend



Courtyard with the rear of the adjoining houses.