

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

17 November 2010

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **MONDAY, 29 NOVEMBER 2010** at **10:30 AM**, 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: ARLDALE, WESTERN ROAD, TOBERMORY**
 - (a) Notice of Review and Supporting Papers (Pages 1 - 14)
 - (b) Responses from Interested Parties (Pages 15 - 26)
 - (c) Applicant Response to Comments from Interested Parties (Pages 27 - 28)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Daniel Kelly (Chair)
Councillor Bruce Marshall

Councillor Rory Colville

Contact: Hazel Kelly, Senior Committee Assistant Tel: 01546 604269

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Ref:
AB1

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

OFFICIAL USE
15/10/10
Date Received (M)

NOTICE OF REVIEW

10/0011/CRB.

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

ERECTOR OF CONSERVATOR

(7)

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

PLEASE SEE ATTACHED.

If insufficient space please continue on a separate page. Is this 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	WRITTEN RESPONSE
2	LOCATION PLAN pd/07/000
3	SITE PLAN pd/07/001
4	EXISTING ELEVATIONS pd/07/002
5	PROPOSED ELEVATIONS pd/07/004
6	PROPOSED SK PLAN - pd/07/003
7	PROPOSED SECTIONS pd/09/006
8	EXISTING PLAN pd/07/005
9	
10	

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

Submitted by
(Please Sign)



Dated

10/10/2010

Important Notes for Guidance

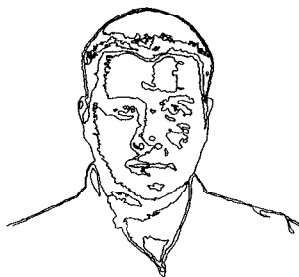
1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 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 604331 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 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



Bari Reid
ARCHITECTURAL SERVICES

ambleside
tobermory
isle of mull
PA75 6QA

13/10/2010

Planning Services,
Lorn House,
Albany Street,
Oban,
Argyll,
PA34 4AR

Dear Sirs,

Appeal to the Local Review Board re: Erection of Conservatory @ Arldale, 6 Western Road, Tobermory Isle of Mull 10/00225/PP

In response to the refusal of the above application we would like to appeal the decision for the reasons outlined below:

The main basis of the refusal is that the elevated position of the conservatory creates overlooking into the garden of the property "trewince" to the rear, as the floor level inside arldale (subject of application) is elevated it would be impractical to have a lower floor level in the proposed conservatory. The sloping nature of the site (and area in general) mean that dwellings on a slope naturally overlook the dwellings and gardens below them, it is felt that the proposed conservatory does not introduce any new overlooking, this was illustrated in drawing pd/07/006 which was submitted to the department but does not seem to have been included in the refused set of drawings. The proposed conservatory is formed over the existing patio doors to the living room of arldale, from these doors and from the windows to the existing dining room, the boundary of arldale and trewince can be seen, therefore the entire garden area of trewince is currently overlooked and the proposal does not make the current situation any worse.

Although the department have deemed the conservatory to be introducing a new habitable space, it should be noted that an unheated conservatory on the west coast of Scotland would only be an occasional space very dependent on weather.

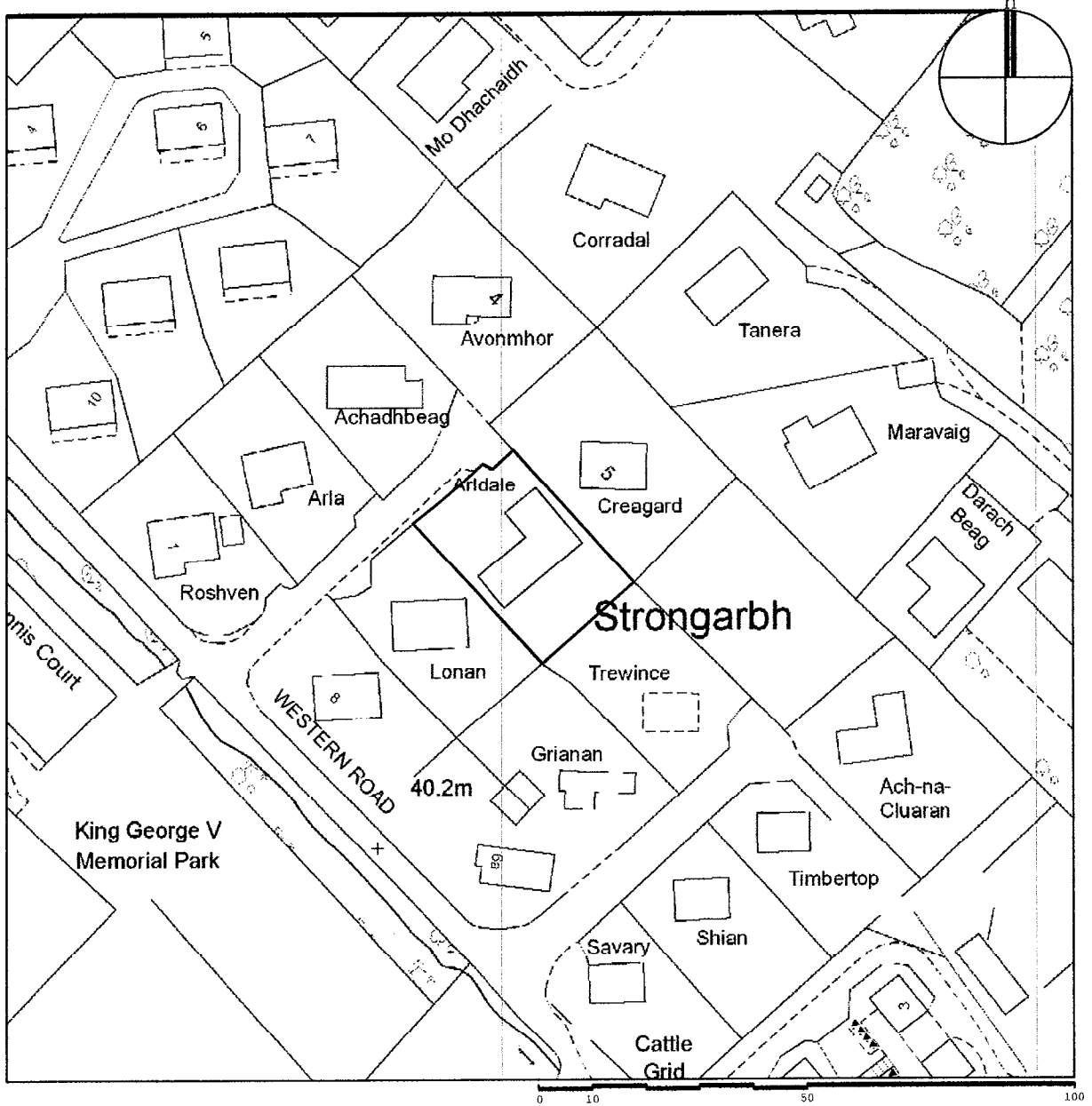
The (retrospective) application was made on the advice of the planning department although it seems the proposed development would normally fall within the scope of permitted development rights for the area; The floor area of the new extension is 12m² and the existing conservatory 9m², a total of 21m² which falls below both the 24m² and 30% of the existing dwelling (178m²) limit. The proposed roof is not higher than the highest point of the existing roof and as the proposal sits further than 2m from the boundary the 4m height rule does not apply. The proposal does not bring the building line any closer to the public road or occupy more than 30% of the total site area - it is unclear why the proposal is not considered valid for permitted development.

During the advertisement period for the application no representations were made opposing the development indicating that the neighbours surrounding the property feel there will be no negative impact from the conservatory on their garden amenity space.

It is hoped that in light of the above points and attached drawings the local review board would acknowledge that the problem of overlooking is one that has existed since the original house was built and that the proposed conservatory does not change the current condition.

Regards,

bari reid



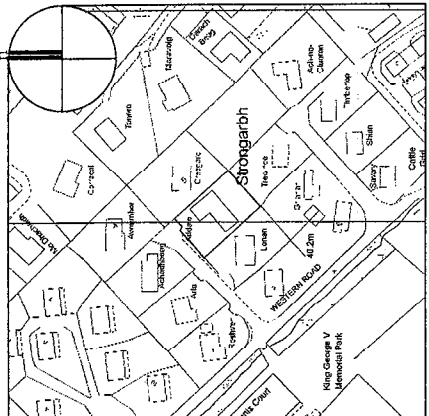
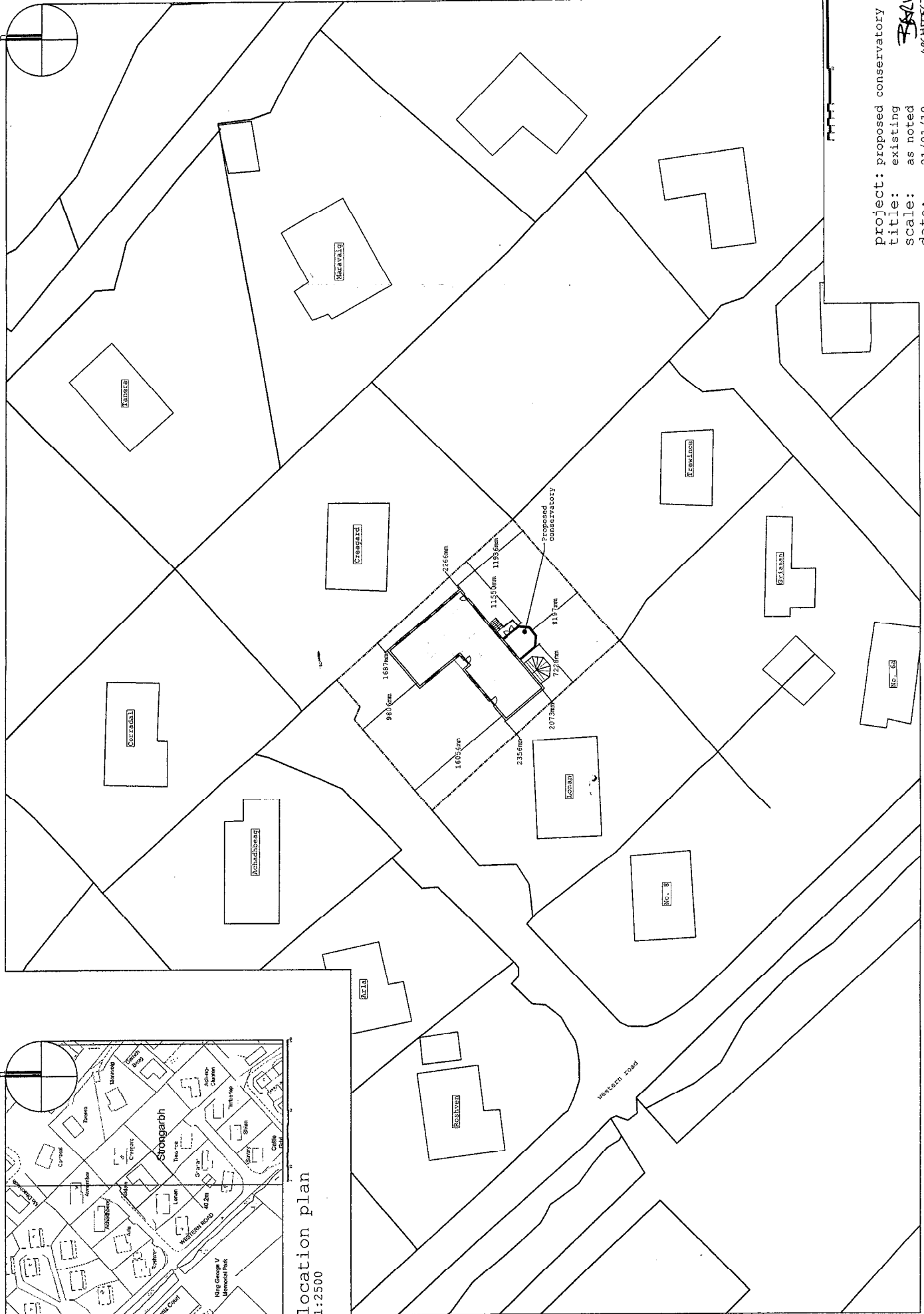
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project: proposed conservatory @ arldale
title: location
scale: as noted
date: 21/01/10

PAUL REID
ARCHITECTURAL DESIGN

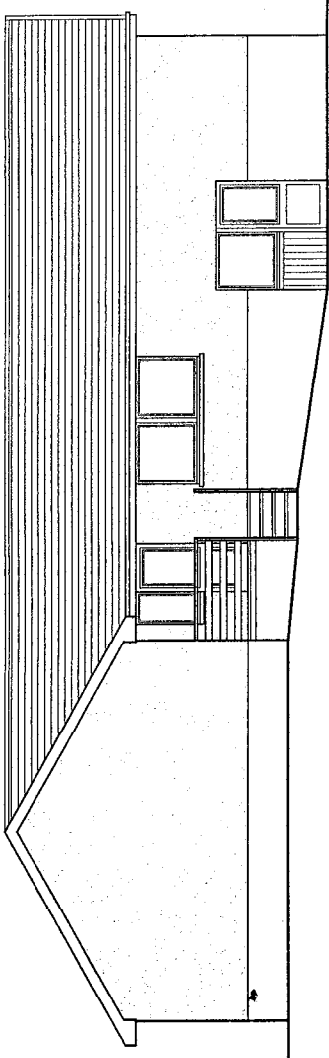
project: proposed conservatory @ ardale
title: existing
scale: as noted
date: 21/01/10
drawing: pd/07/001

BAI 2610
ARCHITECTURAL DESIGN
info@bairetels.com
t: 07955 928 652

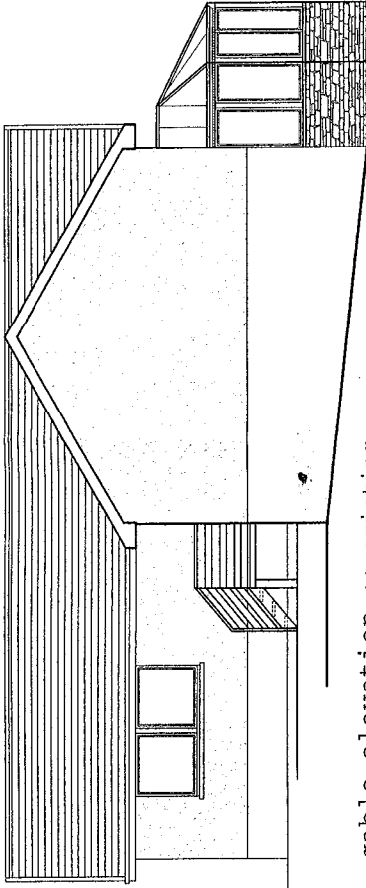


location plan
1:2500

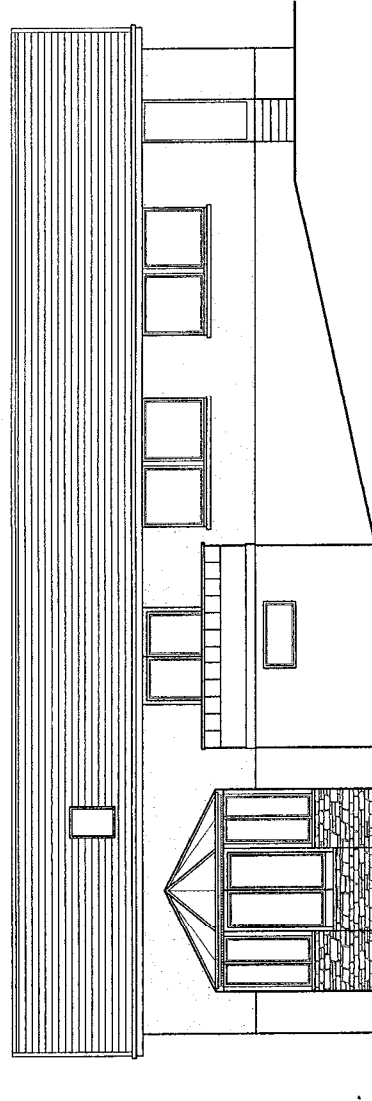
site plan
1:500



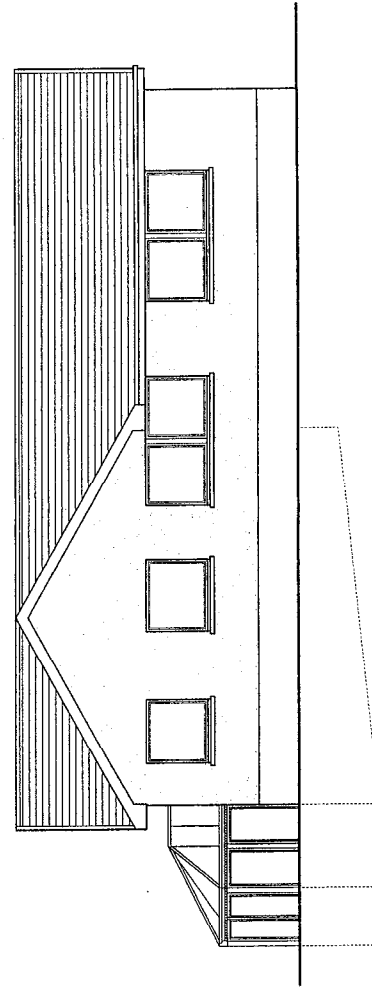
front elevation as existing
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gable elevation as existing
1:100



rear elevation as existing
1:100

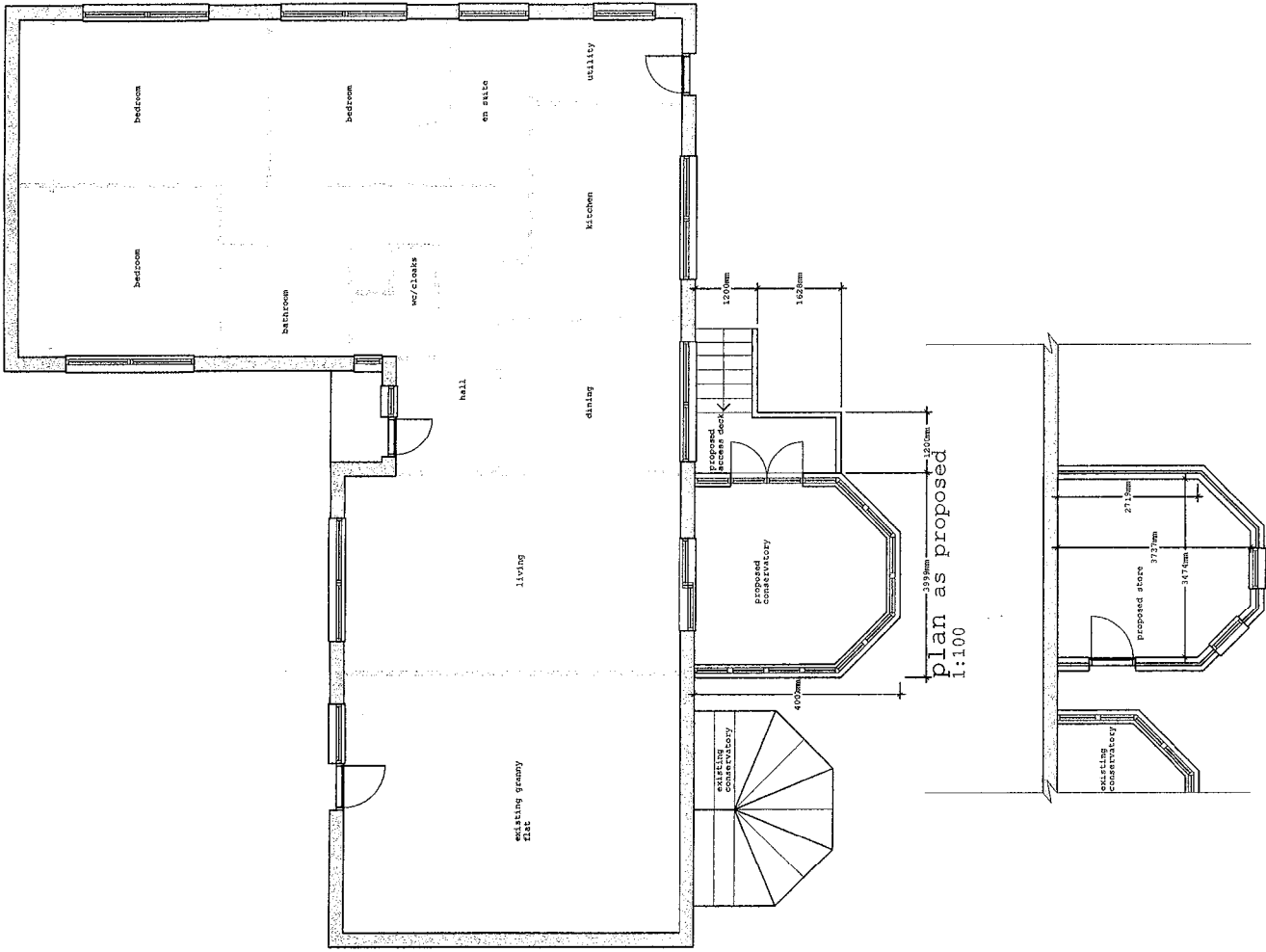


side elevation as existing
1:100



project: proposed conservatory @ arldale
title: existing
scale: as noted
date: 21/01/10
drawing: pd/07/002

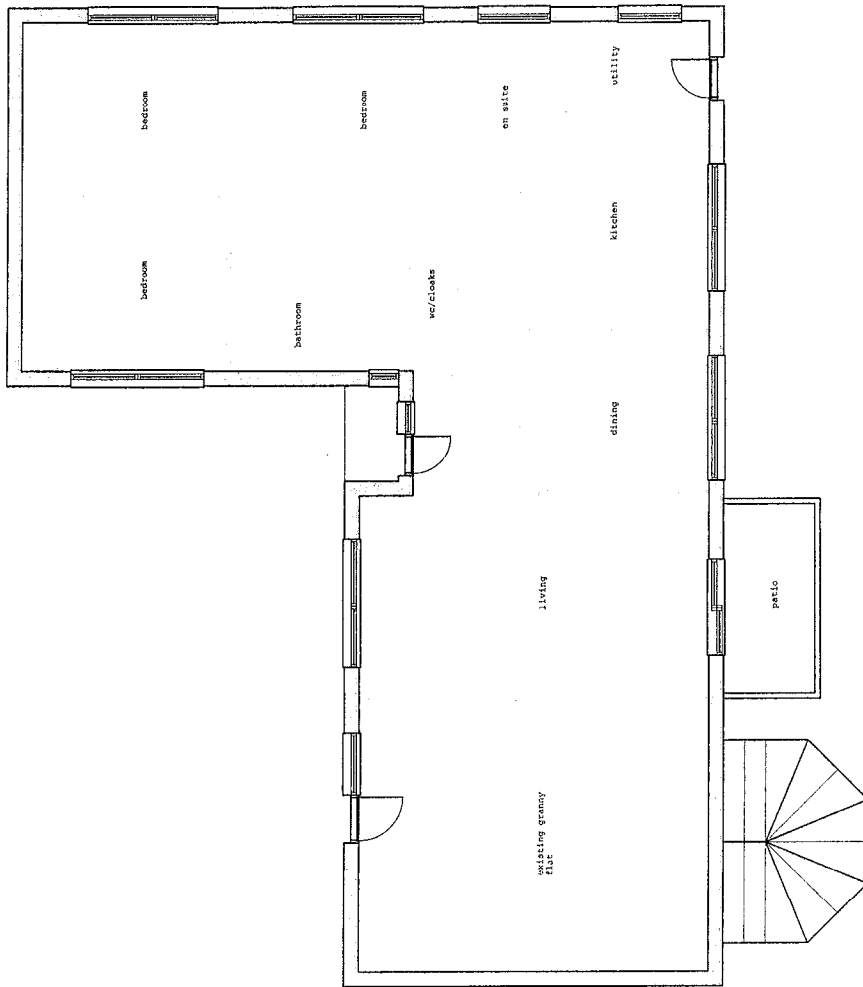
BALZARD
ARCHITECTURAL DESIGN
01526666101@bt.com
01753 532 612



underbuilding plan
1:100

project: proposed conservatory @ aridale
 title: proposed
 scale: as noted
 date: 21/01/10
 drawing: pd/07/003

BA 2610
 ARCHITECTURAL DESIGN
 e: info@barfields.com
 t: 0759 802 602

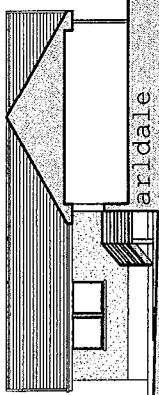
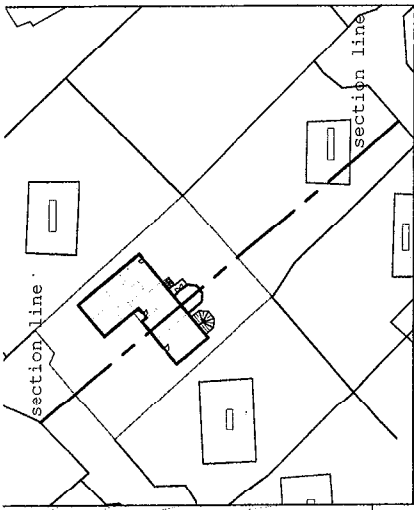


plan as existing
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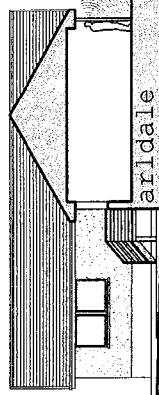
project: proposed conservatory @ aridale
 title: existing
 scale: as noted
 date: 21/01/10
 drawing: pd/07/005

PAUL ZED
 ARCHITECTURAL DESIGN
 e: info@aridale.com
 t: 07499 772 632

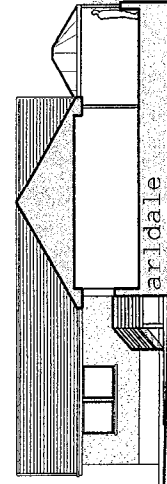




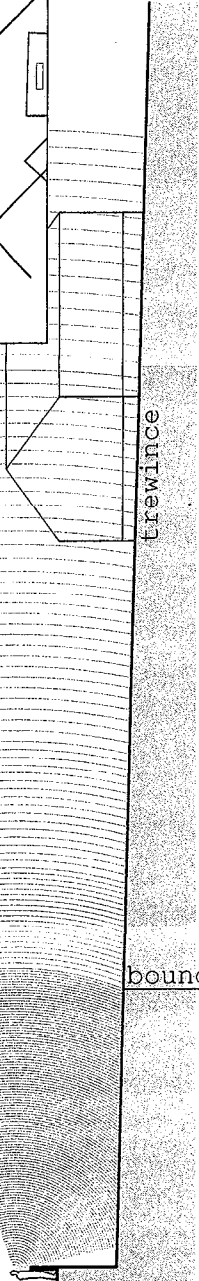
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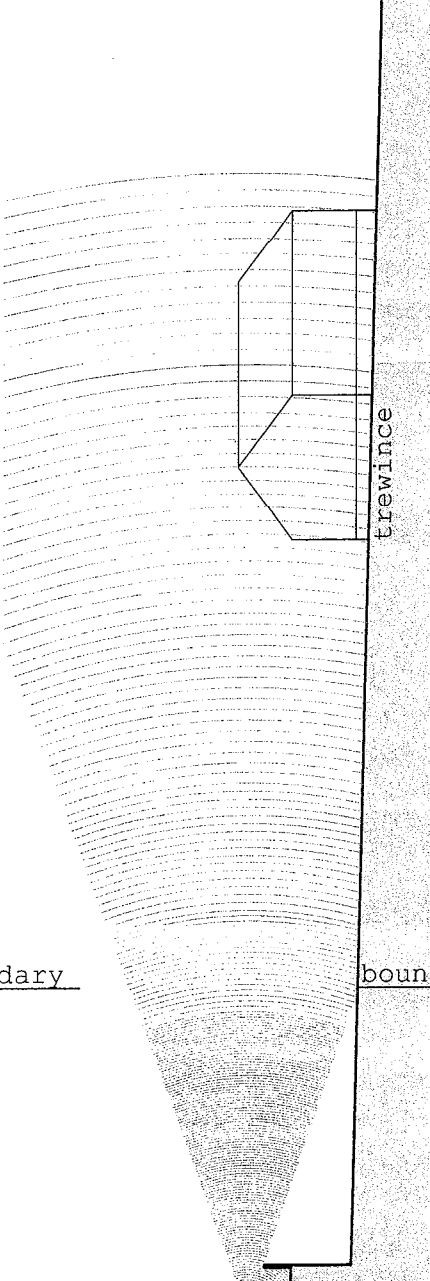
proposed conditon
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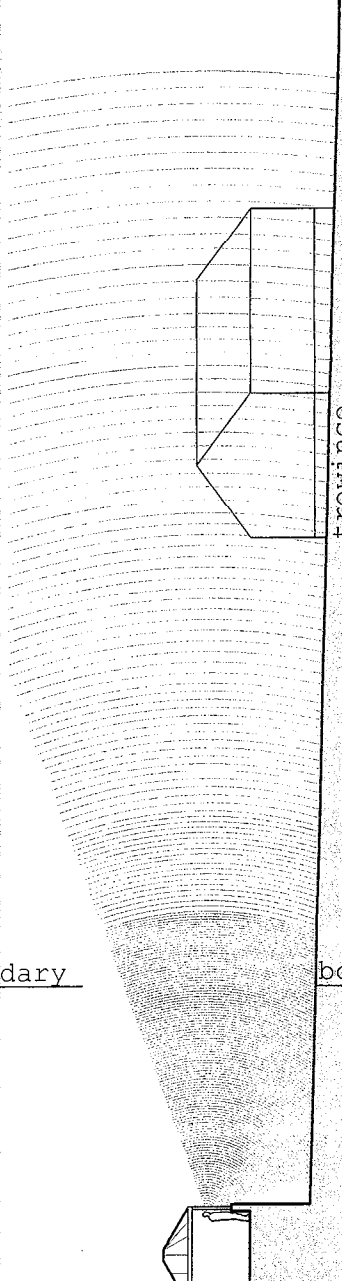
proposed condition
1:200



existing conditon
1:200



proposed conditon
1:200



proposed condition
1:200



project: proposed conservatory @ aridale
 title: sketch sections
 scale: as noted
 date: 12/05/10
 drawing: pd/07/006

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF CONSERVATORY AT ARLDALE, 6
WESTERN ROAD, TOBERMORY, ISLE OF MULL**

**PLANNING PERMISSION REFERENCE NUMBER
10/00225/PP**

29 OCTOBER 2010

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Peter Dugdale ('the appellant').

Retrospective Planning Permission Reference Number 10/00225/PP for erection of a conservatory to the rear elevation of Ardale, 6 Western Road, Tobermory, Isle of Mull ('the appeal site') was refused under delegated powers on 4 August 2010.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The property is situated within a cul de sac development of eight similarly designed detached dwellinghouses on Western Road, Tobermory, Isle of Mull.

The property already has a conservatory on this elevation accessed off from a self-contained 'granny flat'. The conservatory subject of this application is to be built over an existing patio area which is set at a higher level than the existing conservatory. The conservatory will project above the eaves of the dwellinghouse and will have direct views into the rear garden of the neighbouring property of 'Trewince'. Furthermore, given the elevated position of the conservatory, it will be prominent when viewed from outwith the site and its immediate vicinity.

SITE HISTORY

None relevant

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & 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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

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

- Whether or not the conservatory is likely to give cause to a significant loss of amenity to existing residential development.

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.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that no new information has been raised in the appellants' submission. The issues raised were covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANTS' SUBMISSION

The appellant contends that the conservatory should have been considered under Permitted Development rights in terms of Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as the floor area is 12 square metres and this taken with the floor area of the existing conservatory 9 square metres gives a total of 21 square metres which falls below the permitted 24 square metres or 30% of the floor area of the existing floor area of the dwellinghouse.

However, the conservatory has two floors which gives a floor area of 24 square metres, and this taken with the existing conservatory of 9 square metres gives an overall total of 33 square metres.

Class 1 of the above mentioned Order allows a dwellinghouse to be extended by up to 24 square metres or 20% of the floor area of the dwellinghouse, whichever is the greater and in any case by no more than 30 square metres.

As the floor area of the extension results in the total area of extensions to the dwellinghouse exceeding 30 square metres, planning permission is required.

The proposal was refused as contrary to Policies LP ENV 1, LP ENV 19 and LP HOU 5 and to the design principles set out in Appendix A of the adopted Argyll and Bute Local Plan as the proposed conservatory would have a materially adverse impact upon the privacy of the occupiers of adjoining property to the detriment of residential amenity.

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 involves the erection of a conservatory elevated above the existing adjacent conservatory, which by virtue of its projection from the rear of the existing building, its elevation and its all round glazing, introduces a habitable space, which in view of its height, position and construction, will exert a commanding influence over land to the rear of the dwelling in particular, the garden ground of 'Trewince' to the rear. In view of the elevated vantage point which this conservatory would provide, it would not be possible or appropriate to secure the interests of residential amenity by means of fencing, other boundary treatment or obscure glazing and therefore it would not be an option to permit the development subject to conditions seeking to

address the otherwise inappropriate relationship between properties. The proposed conservatory would have a materially adverse impact upon the privacy of the occupiers of adjoining property to the detriment of residential amenity.

Therefore the proposal is contrary to the provisions of Policies LP ENV 1, LP ENV 19 and LP HOU 5 and to the design principles set out in Appendix A of the adopted Argyll and Bute Local Plan.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development Services

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

Reference No: 10/00225/PP

Planning Hierarchy: Local Development

Applicant: Mr Pete Dugdale

Proposal: Erection of Conservatory (Retrospective)

Site Address: Arldale, 6 Western Road, Tobermory, Isle of Mull

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of conservatory (retrospective)
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be refused for the reasons appended to this report.

(C) HISTORY:

05/00074/COU

Change of use of garage to dwellinghouse – awaiting Section 75 Agreement

(D) CONSULTATIONS:

N/A

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 18/03/10.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Structure Plan 2002

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

Appendix A – Sustainable Siting and Design Principles

(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.

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

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

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

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

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

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

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

The application site is situated within the settlement boundary of Tobermory as defined in the adopted Argyll and Bute Local Plan and within which Policies LP ENV 1, LP ENV 19, LP HOU 5 and Appendix A are applicable in the consideration of the proposal.

Retrospective planning permission is sought for the erection of a conservatory to the rear elevation of the property which is situated within a cul de sac development of eight similarly designed detached dwellinghouses on Western Road, Tobermory, Isle of Mull.

The property already has a conservatory on this elevation accessed off from a self-contained 'granny flat'. The conservatory subject of this application is to be built over an existing patio area which is set at a higher level than the existing conservatory. The conservatory will project above the eaves of the dwellinghouse and will have direct views into the rear garden of the neighbouring property of 'Trewince'. Furthermore, given the elevated position of the conservatory, it will be prominent when viewed from outwith the site and its immediate vicinity.

Whilst the conservatory is on the rear elevation of the dwellinghouse, it is considered that its elevation is inappropriate in terms of the character and appearance of the existing dwellinghouse. Furthermore it is considered that the proposed conservatory would be materially harmful to the privacy and amenities of the occupiers of the neighbouring dwellinghouse. The proposed conservatory could lead to an unacceptable loss of privacy by virtue of its elevated position which introduces habitable space in a location which is prejudicial to the residential amenity of adjoining property.

The former patio area was in an elevated position, but being open to the elements this would only be reasonably expected to be used on occasional basis. The formation of a permanent habitable room over this patio area in an elevated position results in the occupiers having an elevated and unobstructed view over the private rear garden of the neighbouring dwellinghouse, giving rise to an unacceptable loss of privacy for the occupants.

Whilst the application has not been the subject of any public objection, the Council must be mindful of the need to protect and preserve the residential amenity and privacy of future occupiers of existing dwellinghouses as well as those of their current occupiers.

Local Plan Policy LP ENV 1, Development Impact on the General Environment, states that all development should protect, restore or, where possible, enhance the established character of the landscape in terms of its location, scale, form and design and that the Council will resist development proposals which do not take proper account of layout, design, external appearance, density and privacy of existing and proposed developments.

Similarly, Policy LP ENV 19, Development Setting, Layout and Design, requires developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of the Local Plan, and that new development shall be sited and positioned to pay regard to the context in which it is located. Developments with poor quality or inappropriate layouts or densities, including over-development and over-shadowing of sites shall be resisted.

Appendix A of the Local Plan referred to above states at Paragraph 8.2 *"Alterations and extensions should be in scale and designed to reflect the character of the original dwellinghouse or building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy"*.

The design principles of Appendix A are encapsulated by Local Plan Policy LP HOU 5, House Extensions, which supports extensions to residential properties, but only in circumstances where they cause no significant detriment to the building, the

neighbours or the immediate vicinity. Appendix A sets out specific design requirements, including that extensions should not dominate the original building by way of size, scale proportion or design; and that extensions should not have a significant adverse impact on the privacy of neighbours.

The elevation and design of the proposed conservatory is considered inappropriate and unacceptable, impinging unnecessarily upon the amenity and privacy of the adjoining property of 'Trewince'.

The proposal is therefore considered to be contrary to Policies LP ENV 1, LP ENV 19, LP HOU 5 and to the design principles set out in Appendix A of the adopted Argyll and Bute Local Plan.

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

(R) Reasons why planning permission should be refused.

The proposal is contrary to Development Plan policy for the reason for refusal recommended below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

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

Author of Report: Fiona Scott Date: 10/07/10

Reviewing Officer: Richard Kerr  **Date: 13.07/10**

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 10/00225/PP

1. The proposal involves the erection of a conservatory significantly elevated from the existing adjacent conservatory, which by virtue of its projection from the rear of the existing building, its elevation and its all round glazing, will introduce an area of habitable space, which in view of its height, position and construction, will exert a commanding influence over land to the rear of the dwelling, including in particular, the garden ground of 'Trewince' to the rear. In view of the elevated vantage point which this conservatory would provide, it would not be possible or appropriate to secure the interests of residential amenity by means of fencing, other boundary treatment or obscure glazing and therefore it would not be an option to permit the development subject to conditions seeking to address the otherwise inappropriate relationship between properties. The proposed conservatory would have a materially adverse impact upon the privacy of the occupiers of adjoining property to the detriment of residential amenity.

The proposal is therefore considered to be contrary to Policies LP ENV 1, LP ENV 19, LP HOU 5 and to the design principles set out in Appendix A of the adopted Argyll and Bute Local Plan.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **10/00225/PP**

- (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

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

The proposal is contrary to Development Plan policy for the reason for refusal appended to this decision notice.

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ARCHITECTURAL SERVICES

ambleside
tobermory
isle of mull
PA75 6QA



16/11/2010

Local Review Body,
Corporate Services,
Argyll and Bute Council,
Kilmory,
Lochgilphead,
PA31 8RT

Dear Sirs,

Appeal to the Local Review Board re: Erection of Conservatory @ Arldale, 6 Western Road, Tobermory Isle of Mull 10/00225/PP - Comment regarding representation by planning authority.

Regarding the planning departments representation on the above matter it would seem that it might be useful to clarify some of the points surrounding the refusal, for clarity the points addressed will be noted under the headings on the document provided by the planning department.

Description of Site

The existing conservatory and patio relate to different internal floor areas and therefore it is unavoidable that the proposed development would be at an elevated position.

As displayed in all drawings the eaves level matches the existing roof and does not project above this as suggested.

Arldale has always had views from habitable accommodation into the property of trewince (as shown in drawings) and the proposed development does not create any new overlooking.

It is reasonably difficult to look into the rear of the property arldale outside of private property so it is questionable just how "prominent" the conservatory would be.

Statutory Basis on which the appeal should be decided

It is questionable how a standard type conservatory attached to a modern-type dwelling outside of any conservation area is contrary to the development plan.

Statement of Case

As the property of arldale has always overlooked the property of trewince, there is no effect on the amenity from the proposed development.

Comment on appellants submission

Whilst we do contend the conservatory should fall within the scope of permitted development, we were unaware that access to the underbuilding for storage would count as additional floor area, and as such that would increase the existing floor area of arldale considerably. However, this was not the reason given when the planning department was approached by myself after the planning officer had written to the appellant to insist on a full

planning permission application. So it would be helpful if there was some consistency with the reasoning.

However, contrary to this point the appellant, at considerable cost and time, has lodged the full planning application under the instruction of the planning department.

Again it would be useful to see the specific articles within the policies which do not regard a small off-the-shelf conservatory as appropriate, furthermore it has been illustrated that there would not be a materially adverse impact on privacy, as the overlooking situation has existed since both properties were built. There has been no representations from the surrounding homeowners, indicating it is accepted there will always be a degree of overlooking where one house is further up a slope than another.

Conclusion

As noted previously, whether an unheated conservatory on the west of Scotland should be considered a habitable space is up for debate, however the habitable space introduced does not increase overlooking on the property at the rear. The verbiage used in the statement seems only to act as inflammation, the small conservatory is by no means "exerting a commanding influence over the land". It is a small room proposed to add some useful space to the inhabitants of Arldale rather than dominate their neighbours properties.

The appellant, Mr. Pete Dugdale has done everything requested of him by the planning department on this development, when the overlooking issues were identified by the planning officer the appellant offered to make some boundary planting part of the permission, however this idea was dismissed by the authority. Planting along the boundary would have actually introduced a new level of privacy to the garden of Trewince, however in dismissing that the planning department have indicated that a hedge line of 3m would not address privacy issues into the garden - it is therefore entirely inconsistent to say that the conservatory is introducing new overlooking that could not be addressed by such measures but that the current overlooking situation is increased by the conservatory. Furthermore the inconsistency in the advice received from the department, in respects to the issue of permitted development, drawings submitted but not forming part of the refused set and the written reports is extremely frustrating when trying to address points raised by the department which the appellant has strived to do, it seems no matter what was done or offered by Mr. Dugdale this case was always going to be refused on whichever policy could be made to fit.

Regards,

bari reid