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29/03/2010 / GB/A/L4  
Local Review Body,  
Corporate Services,  
Argyll and Bute Council,  
Kilmory,  
Lochgilphead,  
PA31 8RT

Dear Sirs,

**Review Reference Number 10/0004/LRB**  
**Planning Application Reference – 09/01417/PPP**

Subject;- 112 West PrincesStreet, Helensburgh, G84 8XD

**Proposed re-development of commercial premises at above site :-**

We confirm receipt on 23<sup>rd</sup> March your intimation of a representation from the Planning Authority Representee.

We enclose a document commenting on that for consideration by the Local Review Body.

Yours Faithfully.



Mr. J. Black  
For JB DesignConsult Limited  
Agent for Mr. G. Burgess, Appellant.

Encl.- Report on appellant's responses to the Statement of Case by the Planning Authority  
c.c. Mr. G. Burgess + copy encl.

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Local Review  
(Reference number  
10/0004/LRB): for  
Planning Application  
number  
09/01417/PPP

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112 West Princes  
Street, Helensburgh

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Appellant's responses (29th  
March 2010) to the points  
made in the Planning  
Authority Statement of Case  
dated 15 March 2009

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**The Appellant's responses to the Statement of Case headings are noted below:**

### **DESCRIPTION OF SITE**

The site is stated as being surrounded by tenement buildings. This is not accurate, as only 22% of the site boundary directly faces a two-and half storey tenement to the west. Almost half (about 46%) of the useable site boundary has a boundary wall facing onto open garden areas (or a single storey shed in part). These areas offer direct daylighting into the site, and an outlook over the wall to clear and distant sky views.

### **SITE HISTORY**

During the application process the appellant requested the Planning Authority's definition of overdevelopment so that the appellant could have considered potential options to alter the proposal to meet Council requirements. Unfortunately this information was not received until the date of refusal, as previously stated in previous documents.

The Applicant considers that it would have been possible to agree a compromise, and/or approve an 'in principle' application with a Condition limiting the site to an agreed development area or unit number limit, to satisfy the overdevelopment issue.

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

#### ***-BACKLAND DEVELOPMENT***

It appears from this statement that the Planning Authority accepts that the proposals adhere to historical development, which is one of the Council policy tests of satisfactory backland development, and which Council policy states can be positive.

However their issue is with regard to the amount of open outlook and open space associated with the proposals. The appellant has previously referred to these issues in the Review application (Scheduled Document Number 1, second last page) and his Supporting Report (Scheduled Document No. 5, Page 15, paragraphs 5-8).

In summary the Appellant has submitted that the extent of views and open space are appropriate for an enclosed courtyard development of this type and in this location, and confirms the site maintains an open outlook to the rear, and part of both sides over boundary walls.

#### ***-PRIVACY/OVERLOOKING***

The Planning Authority have previously stated and therefore accept that the proposals comply with current Council and National standards for daylighting and privacy distances for both existing and prospective residents. ('overlooking' - this word has no definition for

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testing except under the nationally accepted privacy distances). The amenity and privacy for prospective residents will be identical to endless numbers of existing and new housing and flatted developments in the UK, which have exactly the same window to window, and nationally accepted garden overlooking relationships with their neighbours as these proposals. The existing flats around the site overlook neighbours gardens as is normal in any flatted housing development.

With regard to the general comment on 'overshadowing' by adjacent properties, and specifically by the flats to the west on John Street, the site does not suffer from significant 'overshadowing' for most of the day/time of year.

The appellant has demonstrated that daylight standards for both existing and prospective residents meet national standards, and that sunlight penetration into the site is good, in the Supporting Report (Scheduled Document No. 5) page 14.

The Planning Authority's claim that the John Street flats to the west will 'dominate, constrain and overshadow the site' is not correct. None of the apartment windows of the proposed flats have a direct facing view of the John Street flats. There is no view at all from the main apartments of three of the proposed flats. There is no constraint to the site development. There is no sunlight overshadowing of the site by these flats from dawn until almost dusk.

This view is confirmed by the enclosed photographs which demonstrate that 'overshadowing' is not an issue. The degree of sunlight penetration for most of the day/year can be seen with:

1. Aerial photographs from two independent sources which clearly show the site in almost full sunshine with little overshadowing, at different times of the day/angle of sun direction.
2. Site photographs which show sunlight penetrating into the site, as far as the south portion of the site, affording sunlight to all of the proposed development windows.

Therefore the appellant suggests that the proposals do adhere to Council Policy LP ENV 1, taking into consideration the privacy of existing and proposed development by complying with undisputed Council and National standards; and that under Policy LP ENV 19, the development;

1. Has a high quality courtyard site layout design.
2. Has an appropriate density as discussed in the appellant's Scheduled Document No. 1, third page.
3. And the site is not significantly 'overshadowed' to justify refusal on that issue.

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### **-OPEN SPACE/DENSITY**

Although the three examples of other developments are not enclosed courtyard schemes, and offer more open outlooks because of this, they provide as previously shown, virtually no private or communal open amenity space for residents. Indeed the same is true of the neighbouring 'backland' flats built in the nineties to the south of the Library, and in addition their outlook is largely onto a large car park.

By contrast the appellant's proposal as previously stated provides an average of 27 square metres of private/semi-private open space per dwelling for resident's amenity, as private garden, or shared high quality hard landscaped courtyard. The open space available for residents amenity use is about 35% of the site area, appropriate to this enclosed courtyard scheme, whereas the examples referred to above provide virtually none.

### **CONCLUSION**

The Planning Authority Conclusion simply summarises the points above, which the appellant has already commented on.

The appellant's conclusion is that;

1. In contrast to the Planning Authority opinion, the proposal complies with Policies LP ENV 1, LP ENV 19 and Appendix A of the adopted Local Plan, as demonstrated by the evidence provided during the Planning Application process, in the Local Review application documents, and in this further response.
2. The appellant has previously demonstrated a local need for this type and location of development, and support from the local community in general, and the Community Council.

The Planning Authority's principal objection surrounds the prospective resident's amenity. The real test of this is whether or not people would want to live in this development. The appellant in discussion with local people and the Community Council identified that many people looking to 'downsize' to a town centre flat would find this development design and location ideal. Many people in this category don't want a direct street frontage property, and prefer a cul-de-sac, semi-private courtyard for privacy, security, and reduced street noise. The appellant has already had interest from a local businessman who has seen the proposals, regarding potential purchase of a flat in this proposed development. His view on 'amenity' is obviously different to the Planning Authority's.

Therefore the appellant submits that there is sufficient local public interest in this development to provide a sustainable house type in short supply in Helensburgh,

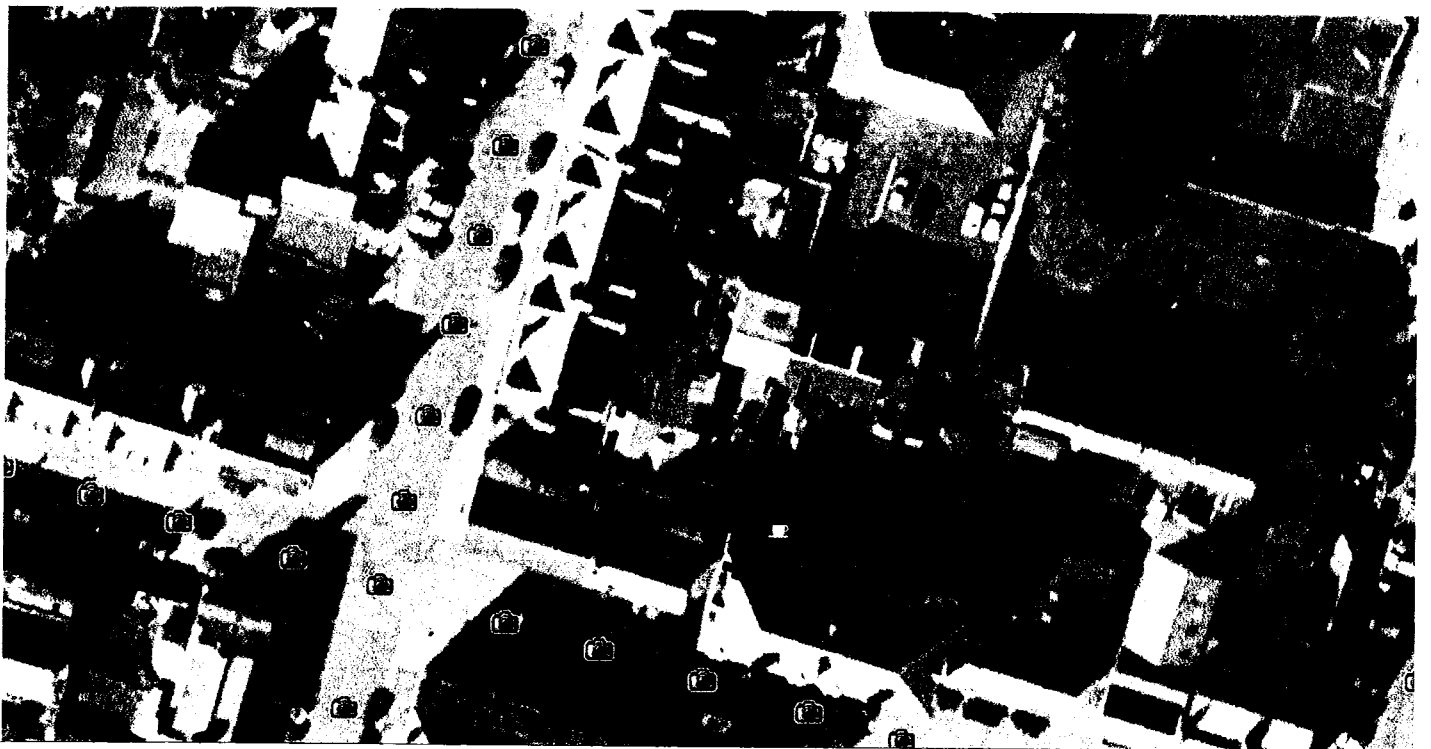
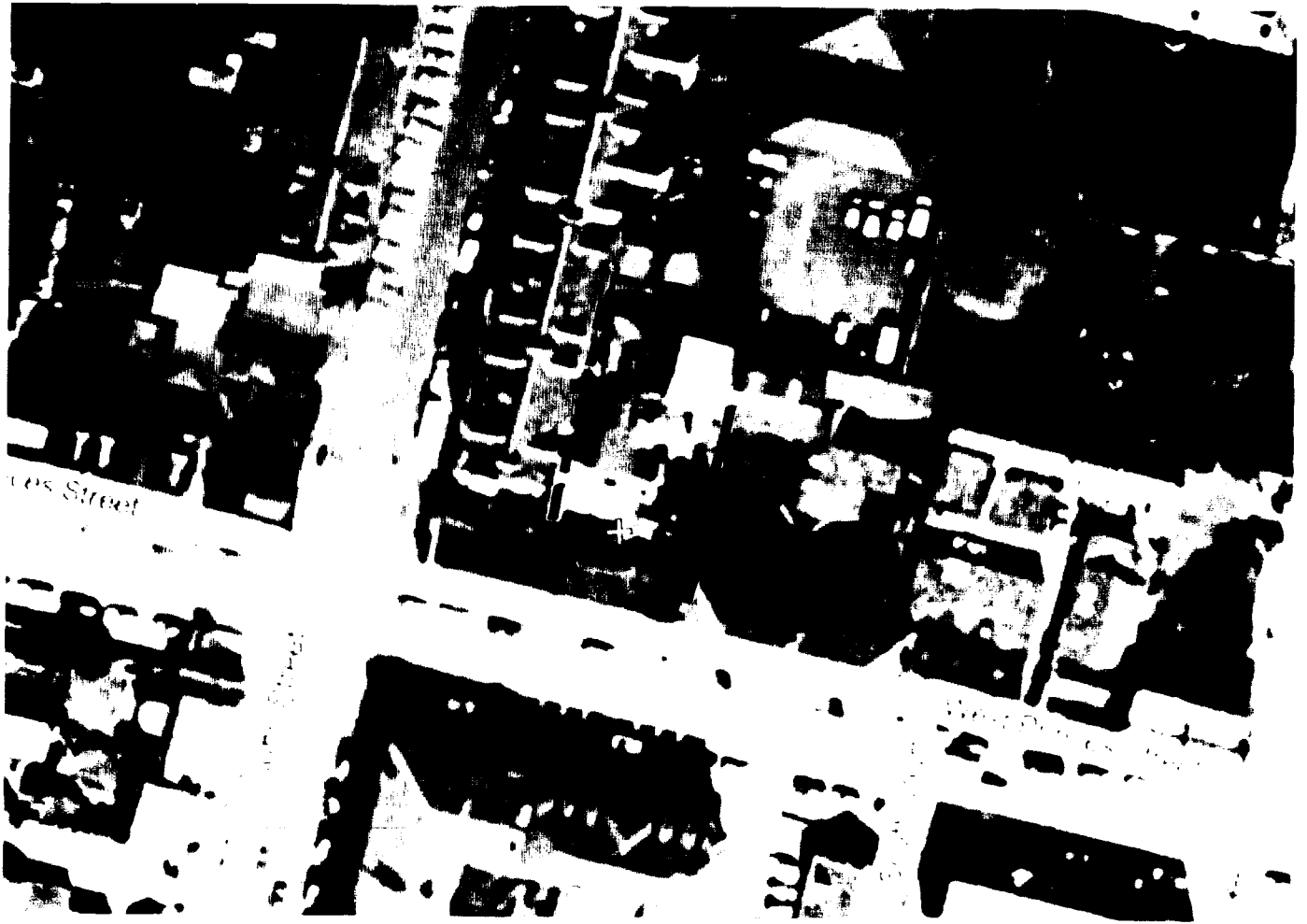
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and that the Local Review body should take this into account along with the discussions regarding Council policies.

3. With regard to the letter of objection dated 17<sup>th</sup> March from Mr. Rooney/Ms. Thompson, attached to the Planning Authority's Statement of Case, the issue of emergency access is not relevant. The proposed houses are as accessible to the Fire Brigade and Ambulances as the current commercial property on the site. Both these emergency services have easier access to the site with either hose pipes or stretchers than getting up several flights of stairs to the top third floor flat which the neighbouring objector occupies. The Fire Brigade can also reach the site with hoses from the vacant garden to the south-west, and from the Library car park and gardens to the north and east.

Developments such as the one proposed do not encourage anti-social behaviour. That is a societal and Police matter.

An increase in cars is unlikely due to the nature of the 'accessible' designed one-bedroom flats, which are unlikely to be attractive to car owners. Local knowledge informs us that in the evenings there are many more car parking spaces available for residents returning from work than are available during the day. A properly designed bollard would be vandal-resistant, preventing cars from accessing the site.



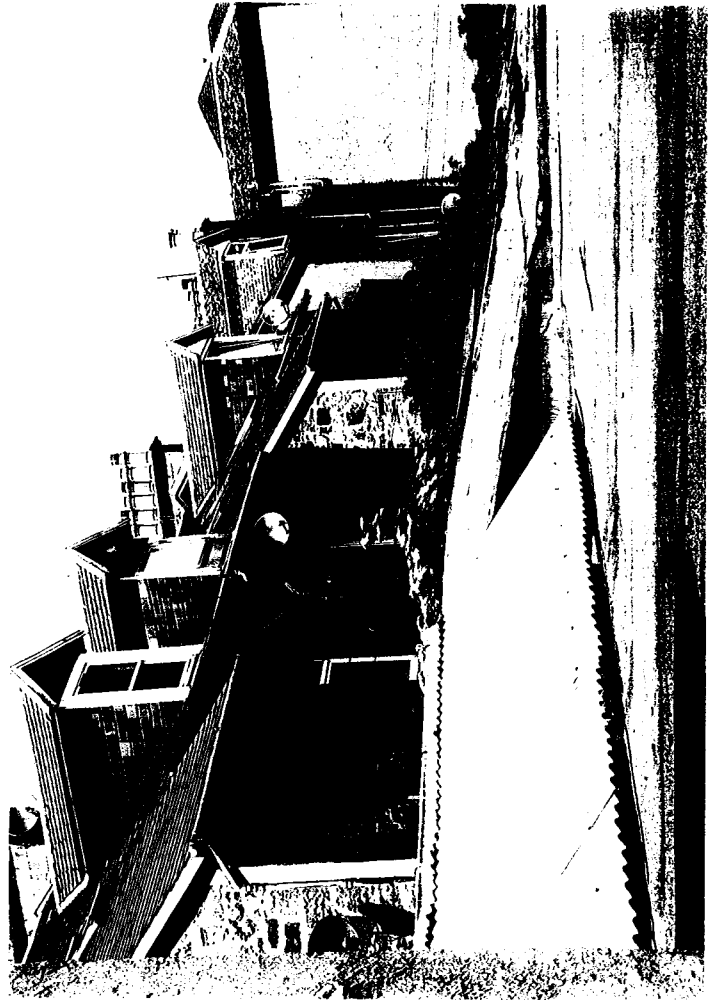
SUNLIGHT PENETRATION INTO THE SITE: AERIAL PHOTOGRAPHS

The aerial photographs above show the site (edged in red) in full sunshine at times during the year. There is little overshadowing most of the day.

Top view supplied by Flash Earth satellite images; lower view supplied by Google Earth satellites.



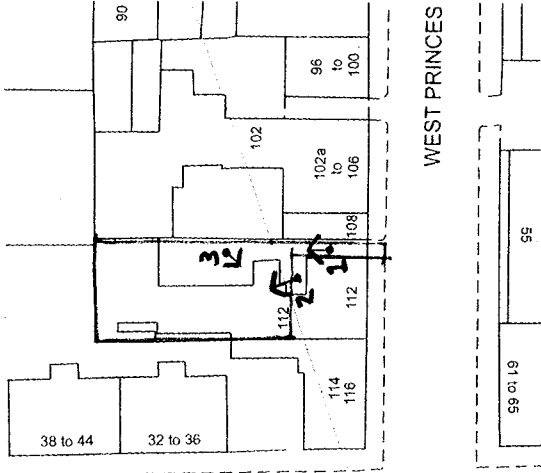
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SUNLIGHT PENETRATION INTO THE SITE: PHOTOGRAPHS

The photographs show the site often receives almost 100 % sunlight coverage. The views are located on the plan, right. The Flats to the West on view 2 produce no sunlight overshadowing of the site except in late evening, and then only over a part of the site.



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