



2 Hazel Road  
Banknock  
Bonnybridge  
FK4 1LH

Home: [REDACTED]  
Work: [REDACTED]  
Mobile: [REDACTED]

5 October 2009

Director of Development Services  
Planning and Transportation  
Abbotsford House  
Davids Loan  
FALKIRK  
FK2 7YZ

Dear Sirs

**Objection to Planning Application - P/09/063/FUL**

Please find attached an objection to the above planning application. This is a copy of the objection submitted online which also includes an attached plan.

Yours faithfully

[REDACTED]

Anne Benton

enc:

Plan - Mr Cursons' proposals

## **Objection to Planning application for Change of Use of Public Open Space to Private Garden Ground and Erection of 1.8m Boundary Fence**

Reference: P/09/0635/FUL

We, Anne Benton and Ian Benton of 2 Hazel Road, Banknock, Bonnybridge, FK4 1LH, wish to object to the above planning application for various reasons, as detailed below:

### **Land raiding**

- The applicant has purloined a sizeable chunk of land which has for more than 30 years been designated open public space.
- [REDACTED] ownership of the land prior to commencing building on this piece of land and declared that it was his own – this is not true.
- No contact was made by the applicant to any parties whose property boundaries are adjacent to this land nor to those neighbours whose properties directly overlook this piece of green open space.
- Granting change of use would mean the loss of a green space enjoyed by many for the sole gain of increasing the size of one person's property. This is contrary to Falkirk Council's Structure Plan (see below) and we object on this basis.

### **Creating a precedent**

- We also object to this application on the basis that granting of this change of use and erection of such a large fence will create a precedent for any other green space areas we have in the housing estate. This also contradicts Falkirk Council's Structure Plan – see below.
- If granted permission for this land, we fear that the applicant, or another applicant, may later apply for the rest of this green open space leaving nothing at all.
- Another concern is that Falkirk Council will have little or no control over what is done in future with this space, and any other such green open spaces and many of these may be used as car parking spaces for householders with more than one car instead of for the intended use initially declared.

### **Feuars' rights**

- As a feuar, we believe our title deeds entitle us to have a joint responsibility for this area. My joint responsibility has never been a consideration for the applicant and I object to his application on the basis that I will be denied my documented rights.

### **Privacy**

- The fence, which the applicant has already constructed without permission, directly faces us as we drive into our house. Having previously enjoyed a nice open outlook to the right hand side of the house, this view is now restricted by this monstrous construction. We object on the basis of having a restricted open outlook.
- The piece of land applied for runs directly adjacent to the side of our house and the fence of our back garden – in fact the entire length of the back garden. There can be no doubt that this will hugely comprise the privacy we have enjoyed for almost 25 years. We object to the application on the basis that we will no longer have open space at the side of our garden if permission is granted and will now have a neighbouring garden completely butting on to our own and overlooking our own garden. This also contravenes the ethos of Falkirk Council's Structure Plan – see below.

### **Access**

- The applicant intimated to Anne Benton that he will be building an additional gate on his fence to allow us, and his next door neighbour, to access our own fences for renovation purposes, etc. He further intimated that he intends to furnish us with a key to access the fencing. At present the access space measures approx 3 feet. I object to this application on the basis that access to my own property will be severely restricted.

### **General look of the construction**

- This unfetching wooden crate like construction is a blot on our landscape and does nothing to add to the overall look of the estate. Having an open well maintained area of grass (and Falkirk Council have maintained this for 30 years) is far more appealing than this and on the basis of the fact that this detracts from the look of the area, we object to the application. See also Falkirk Council Structure Plan notes below.

### **Loss of Open Space**

- As well as the fear of creating a precedent and potentially losing any green space we have, this loss impacts on the significant number of people who enjoy walking down past this area on their way to the canal, etc. Local children use this as a runabout area and as there is little by way of play space in our estate, this piece of land is important and should remain as the name suggests – as an open space. We object on the basis that many people will lose out if this application is granted. See Falkirk Councils' Structure Plan notes.

### **Safety and Security**

- Until the erection of the applicants' fence, we felt our back garden was secure as it was clearly visible from both Hazel Road and from Wellpark Road. If permission is given to this application this will have a detrimental impact on the safety as most of the garden fence would be shrouded by the applicants'

new fence and we feel it would most certainly make our garden more vulnerable to intruders. We object to the application on this basis.

#### **General Points**

- The applicant has also erected a large double door access at a dropped pavement point in Wellpark Road. Our concern is that he intends using this space for purposes other than those stated and for vehicles access. We object on the basis that the applicant has already been untruthful with facts relating to this application.

#### **Ambience**

- For almost 25 years we have lived with no immediate neighbours to one side of our house, this application changes all of this and will have a detrimental impact on our overall privacy, sanctuary and peace of mind. We object to having an extension to the applicant's existing garden immediately adjacent to our house and garden.

#### **Falkirk Council Structure Plan 2007**

Whilst acknowledging that the Structure Plan provides strategic guidance at a macro level, much of what is contained in the document also applies at a micro level. I feel that the following statements contained in the document, concur with my own sentiments and views on the planning application being considered and I urge you to decline this application.

- Vision is to ***"create and sustain an environment in which people want to live, work and visit"***
- Purpose is ***"To plan and provide for the wellbeing of the local community"***
- Aims include ***"... a need to improve the overall image of the area by addressing the negative aspects of the local environment"***
- Local outcomes – ***"Each community within the council area will have an improved quality of life. All residents will have good access to ... within an attractive and safe environment"***
- ***"All housing sites must provide for or contribute to – open space"***
- Pledge to the community – ***"The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the council area ... the loss of open space and recreational facilities will not normally be permitted, except where ... it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities for the community as a whole"***
- Agrees that - ***"The provision of public open space ... is an important determinant of quality of life within communities"***

- Conclusion – *"The strategy is to avoid the loss of open space"*

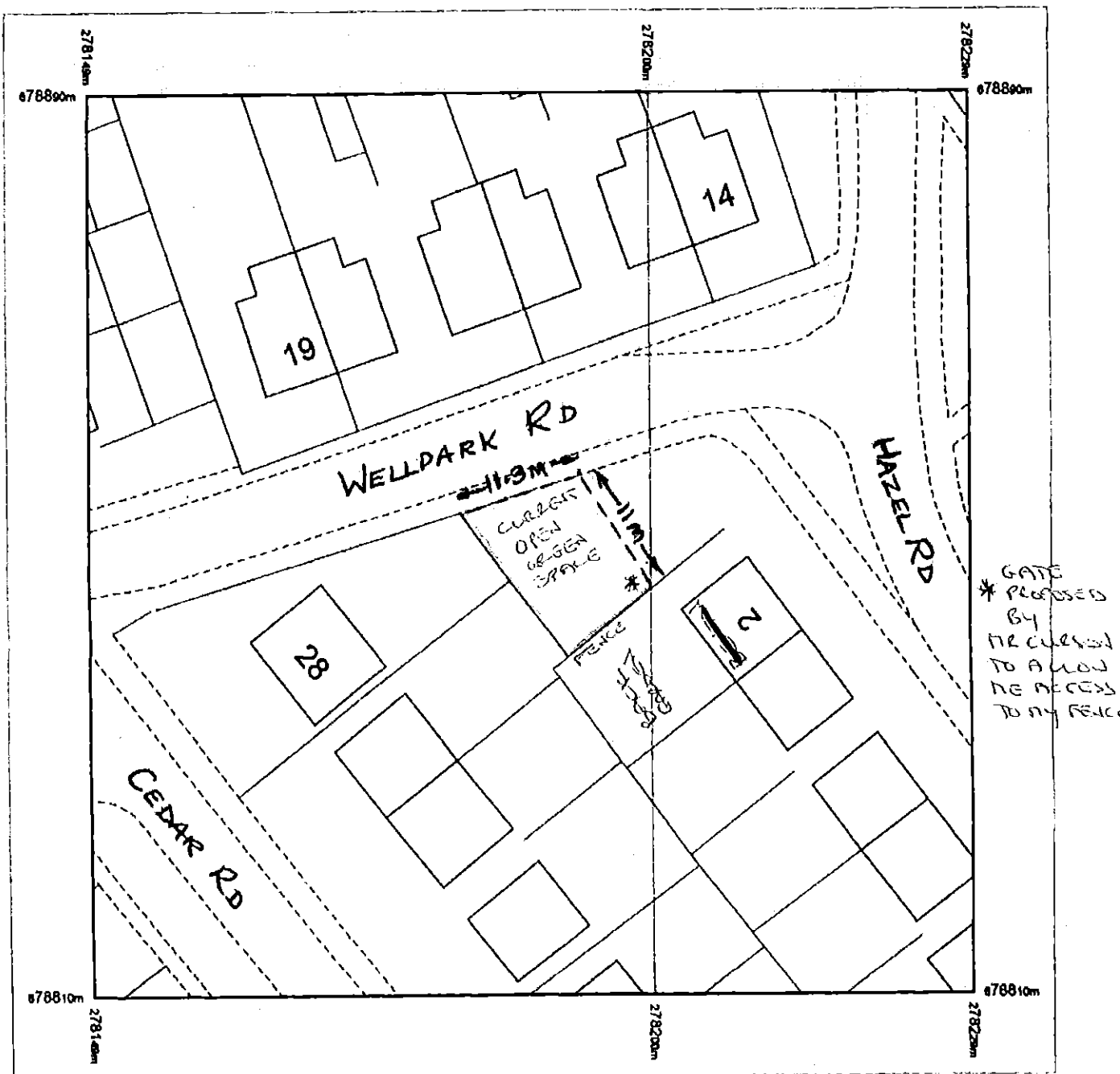
Please decline this application as it is diametrically opposed to the contents of the above Structure Plan and to the overall philosophy of the Council. Granting of this application would not meet any of the above criteria.

Signed [REDACTED]  
Anne Benton

1 October 2009

Signed [REDACTED]  
Ian Benton

1 October 2009



Produced 04.09.2009 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2009.

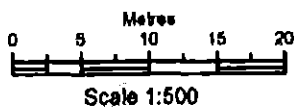
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.



Supplied by: Latitude - Southampton  
Serial number: 02469600  
Centre coordinates: 278189 678850 25

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

<b>FALKIRK COUNCIL DEVELOPMENT SERVICES</b>	
RECEIVED	01
- 8 SEP 2009	
APPLICATION NUMBER	
<b>P/09/0635/POL</b>	