

5350/tt/00

21st May 2015

Development Services
Falkirk Council
Abbotsford House
David's Loan
FALKIRK
FK2 7YZ



TBBarchitecture

17 Cockburn Street
FALKIRK
FK1 1DJ

Tel 01324 875723
Fax 01324 877017
Email tbb@tbbarchitecture.co.uk

Dear Sirs/Madam,

29 RASHIEHILL ROAD, SLAMANNAN, FALKIRK FK1 3HL
NOTICE OF REVIEW

Please find enclosed Notice of Review forms, associated documentation and drawings in respect of the above.

We trust that this is sufficient to enable you to progress the Notice of Review but if there is anything further you require please do not hesitate to contact this office.

Yours faithfully /

Cc Mr & Mrs M Ciabano

T.Thomson
B.Arch Dip.Arch ARIAS
Chartered Architect

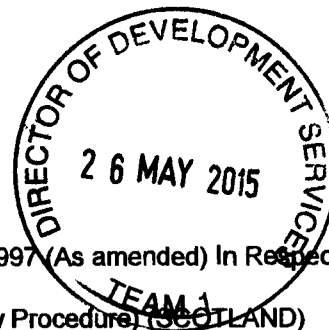
Vat reg. no. 553 6091 42

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013



IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS MARK CIABANO	Ref No.	
Forename	29 RASHIEHILL ROAD	Forename	TBB ARCHITECTURE
Surname	SLAMANNAN	Surname	17 COCKBURN STREET
	FALKIRK		FALKIRK
	FK1 1HL		FK1 1DJ
			tel 01324 623319
Company Name		Company Name	tbb@tbbarchitecture.co.uk
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	FALKIRK COUNCIL		
Planning authority's application reference number	P/15/0031/FUL		
Site address	29 RASHIEHILL ROAD SLAMANNAN FALKIRK FK1 3HL		
Description of proposed development	PROPOSED FRONT PORCH (RETROSPECTIVE)		

Date of application

26TH JANUARY 2015

Date of decision (if any)

6TH MARCH 2015

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

INSUFFICIENT SPACE
REFER TO 2 PAGES OF A4 AS APPENDICE TO
THIS SECTION

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

ORIGINAL PLANNING APPLICATION FORM
ORIGINAL PLANNING APPLICATION DRAWINGS
DECISION NOTICE OF REFUSAL
APPENDICE TO PART 8. STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

THOMAS THOMSON

Date:

21/5/2015.

TBR ARCHITECTURE

MR & MRS MARK CIABANO

29 RASHIEHILL ROAD, SLAMANNAN, FK1 3HL

APPENDIX TO SECTION 8 OF NOTICE OF REVIEW FORM

The applicant over the last few years has completely upgraded this property internally to a high standard and approached our firm to design an extension to the rear of the house, a porch to the front of the house and a separate garage.

The garage was submitted as a separate application and approved. The application for the porch and rear extension was subsequently submitted. While the application for the porch was being processed the applicant was given incorrect information from a colleague that is the porch was less than 3 square metres internal footprint it was exempt. This was true for Building Standards purposes but not for planning and the applicant, who is a building contractor, commenced work on a larger proposal and completed it in less than 2 weeks. English is not the applicants' first language and it may be that translation difficulties contributed to the situation. Ignorance is obviously not an excuse but we are trying to show that the applicant has not completely disregarded the planning process intentionally.

When the planning officer went to carry out his site visit it was obvious what had been built did not correspond with our drawings. The planning officer alerted us to this and subsequently the officer dealing with the application indicated that the proposal was not acceptable and we withdrew that application and submitted 2 separate applications for the rear extension and porch separately. The porch was subsequently refused for the reasons given in the Decision notice.

Our reasons for this Notice of Review are as follows.

1. As far as we are aware there has been no objection to the proposals from any local residents.
2. There is no dominant architectural style in any of the adjacent properties that the porch could distract from.
3. The porch arrangement and wall to the side and door access to the rear of the house improve the security to the applicants rear garden where he has to store valuable tools of his trade
4. Ant demolition or adaptation of the as built porch would be expensive and would place an onerous and unfair financial penalty on the applicant.

5. If it was felt that the external materials of the wall were not in keeping with surroundings the applicant would be happy to consider rendering part or all of the walls as built in an effort to meet one of the conditions for refusal
6. Adequate garden ground is retained even with the garage, porch and rear extension and this does not represent over-development in terms of ground usage.

We are hopeful that the review panel will look favourably on this Review request and will allow the Applicant to complete the upgrading of his property. As will be obvious from a site visit he has invested a great deal of his own money and time in greatly improving this property.

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