

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.

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.	Ref No.	
Forename	DAVID	Forename	
Surname	GRAHAM	Surname	
Company Name		Company Name	
Building No./Name	27	Building No./Name	
Address Line 1	TRYST ROAD	Address Line 1	
Address Line 2	STENHOUSEMUIR.	Address Line 2	
Town/City	FALKIRK.	Town/City	
Postcode	FK5 4QH.	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		FALKIRK COUNCIL.	
Planning authority's application reference number		P/17/0389/FUL	
Site address			
<div style="border: 1px solid black; padding: 10px; text-align: center;"> 27 TRYST ROAD STENHOUSEMUIR. FALKIRK FK5 4QH </div>			
Description of proposed development			
<div style="border: 1px solid black; padding: 10px; text-align: center;"> PROPOSED EXTENSION TO REAR. </div>			

Date of application

22/6/17

Date of decision (if any)

28.7.2017

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.

I FEEL THAT THE IF THE SITE AND SURROUNDING AREA WERE ASSESSED TAKING INTO ACCOUNT ALL THE DETAILS (RAW) THEN THE COMMON SENSE APPROACH WOULD PREVAIL.

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?



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

PLEASE REFER. TO THE ENCLOSED
DOCUMENT. "PLANNING DECISION APPEAL DOCUMENT"

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:

DAVID GRAHAM

Date:

26/10/17

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.

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

NO REASON

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.

PLEASE SEE ATTACHED APPEAL DOCUMENT

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 you 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.

I HAVE ENCLOSED PHOTOGRAPHS OF SITUATIONS WHERE EXTENSION WITH A MORE EXPOSED NATURE WITH A GREATER IMPACT HAVE BEEN APPROVED

PLANNING DECISION APPEAL DOCUMENT

PROPOSED EXTENSION AND ALTERATIONS

AT

27 TRYST ROAD

STENHOUSEMUIR

PLANNING APPLICATION No P/17/0389/FUL

APPLICANT :- Mr David Graham

PLANNING APPEAL

PROPOSED EXTENSION AT 27 TRYST ROAD STENHOUSEMUIR

APPLICANT Mr David Graham

Application No P/17/0389/FUL

I refer to the decision notice I received on the 28th July 2017 refusing my planning application dated 22nd June 2017 for the proposal to extend my property at 27 Tryst Road Stenhousemuir

There are number of issue raised in your report which I feel are at odds with your procedures and practices which I feel form the basis of an appeal against your decision.

While I appreciate the information contained within your Supplementary Guidance document SGO3 "Residential Extension and Alteration's," it's clear that this document is open to interpretation by the Planning Authority. This is evident not only in my situation but to a variety of other extensions which seem to have benefited from a more lenient approach.

In my opinion the Policy and the Guidance has been harshly applied to my application and is not a true reflection of the site and the relationship with the proposed extension and surrounding area. Given this I would ask that this matter referred to the formal Appeal Process

In the Refusal of Planning Permission Notice, it's stated that the extension is bulky with a heavy appearance and would be visible from a number of publicly accessible locations. It further states that would have a detrimental impact on the well-established area and an overbearing impact on the neighbouring properties.

I would question the validity of this statement as a site visit would clearly dispel this assumption .

The "detrimental impact on a "well-established residential area" clearly doesn't take into account the area of ground directly opposite the property which is the home of a new B&M store and car park. While I appreciate that this was a former McCowans and has industrial usage status, surly any new development would require to be sympathetic to that area. Clearly this is not the case as the development consists of a large the metal clad steel frame box type building with areas of external timber lining. Given that the car park for B&M is opposite the front of the property the impact the extension will have on the customers of B&M should be minimal and I'm sure will cause them the minimum of distress. I assume that the choice of building for this site was approved by the Planning Authority and in the authorities opinion complimented the "well-established residential area".

To the rear of the application site the "well-established residential area" consists of a semi derelict overgrown Council owned garage site which is an eye sore to all the residents who share a boundary with it. The nearest property directly to the rear of the proposed extension is approx 60m (196 feet) away on the opposite site of the garage site.

Only persons who access the garage site or live 60m (196 feet) will be able to view the rear elevation of the proposed extension.

The application property has an extension along the north boundary with No 29 which is built directly on the boundary line and has a ridge height 500mm less the ridge height of the proposed extension.

The new extension only extends 4.70m (15 feet) beyond the existing extension however it is the proposal that the new works is built 300mm (1 foot) back from the boundary increasing the space between the neighbouring property. Your report state that the proposal is an over development of the property despite the fact the extension extends less than 5.0m beyond the rear wall of the property.

The south boundary distance is maintained between the existing south gable of the property and the adjacent property No 25 with no part of the proposed work extend closer that distance. No windows on the proposed upper floor will overlook the adjacent property

The site has an area of **513 sq/m** with dimensions of 11.37m wide x 40.76m deep. The property on the site is a single storey Cottage Type frontage with a mixture of three different single storey extensions to the rear all with different types of roofs, flat, mono pitch, pitch with hip end and pitch with gables of the original cottage.

Total floor area of the existing property is **101 sq/m** and represents just **20%** of the area of the application site.

The proposed extension only increases the foot print area of the property by **52 sq/m** to **153 sq/m** which represents **29.8%** of the site area.

The resultant area of garden ground is **360 sq/m**. which is still a very substantial garden area and as such makes the statement that the extension represents an over development of the site questionable.

The cottage frontage is uncharacteristically small compared to the others in the surrounding The building has a low height to the ridge of 5.182m. The north wall of the property is built off the boundary with the adjacent property. The width of the cottage No 29 Tryst Rd is 10.2m ,No25 is 9.5m and No 27 8.2m. in addition the others are substantially higher to the ridge .

The proposal applied for is intended to provide a more uniform roof line to the rear while retaining the cottage frontage. In addition to this as previously stated the new wall to the north has been relocated 300mm from the boundary into the site to redefine the north gable of the existing cottage.

With respect to the increase in height of the proposal, it is only 500mm higher than the original cottage frontage and as shown on the draft proposals is stepped back so as it is not visible from the front of the building or the car park of B&M or impact on its customers.

While I appreciate the comments in relation to, as it was put "bulky appearance" I don't agree that it is out of character to the area and I must point out that the mansard roof type does in fact appear in your guidance document as an acceptable roof style. A walk along the length of Tryst Road shows a multitude of various types of extensions to the rear front and side, some in very prominent positions. Most have a far greater visual impact on the area than the extension proposed for my property. As stated in your report there is already a property at No 31 which has a mansard roof which has only be limited visual impact from Tryst Road. It can however be seen from garage site at the rear.

The extension proposed represents little if any impact viewed from the B&M development to the front and will give a more uniform structure viewed from the garage site to the rear.

Given that the driveway access to the plot on the south is narrow and the north elevation of the cottage frontage is built off the boundary I feel my extension will have little if any to visual impact as expressed in the report as it would be difficult to view from the road side footpaths.

I have discussed my proposals with the neighbours at both 29 & 25 Tryst Road and both have no objection to the proposals as applied for.

While I appreciate Falkirk Council's guidance note SG03, there seems to be a number of recent extensions in various locations throughout the Falkirk Council Area which would suggest that the guidance are open to interpretation by your department and they clearly don't meet the criteria laid down in the guidance note.

In conclusion I would ask that my appeal be upheld and let common sense prevail.

There is a B&M store and car park opposite and a garage site to the rear.

The area has a multitude of extensions to properties which have a far greater impact on the area than the one proposed

The development as proposed will have little if any impact on the area or neighbours.

The neighbours of the adjoining properties do not object.

It will retain the existing cottage frontage while providing a more energy efficient family home to the rear.

I'm happy to discuss and compromise over the external finishes and investigate the use of sustainable materials of construction

Below is a selection of drawings from the application plans which I hope will assist you in making your decision. In addition to this there are a selection of pictures which relate to the development site and others which in my opinion indicate that guidance notes are open to interpretation.

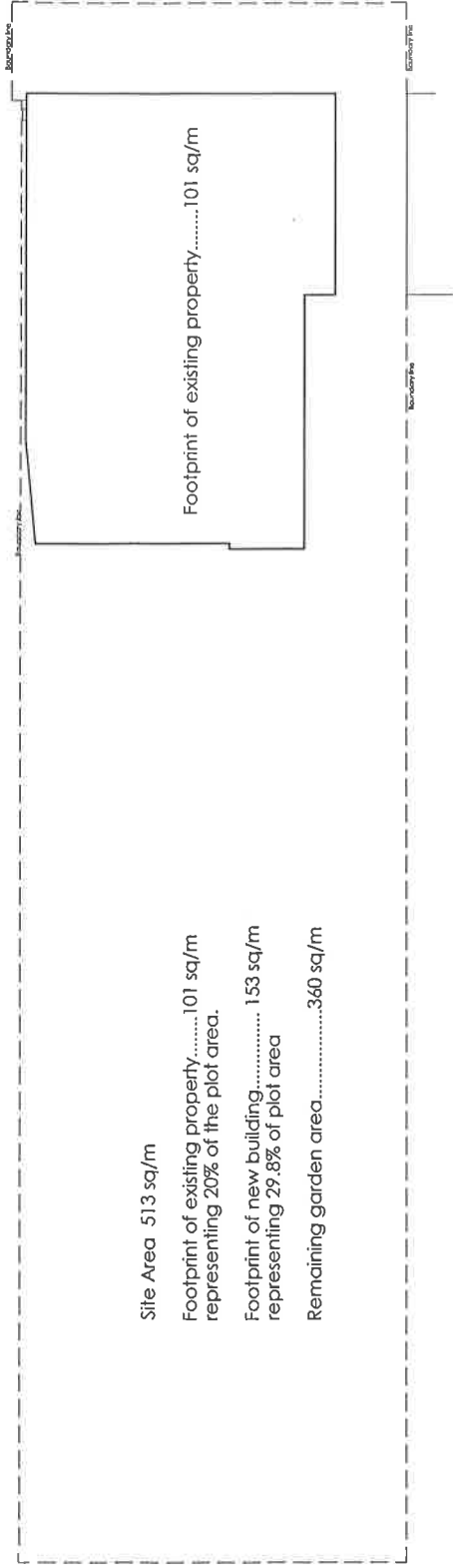
I look forward to hearing from you in due course

Regards

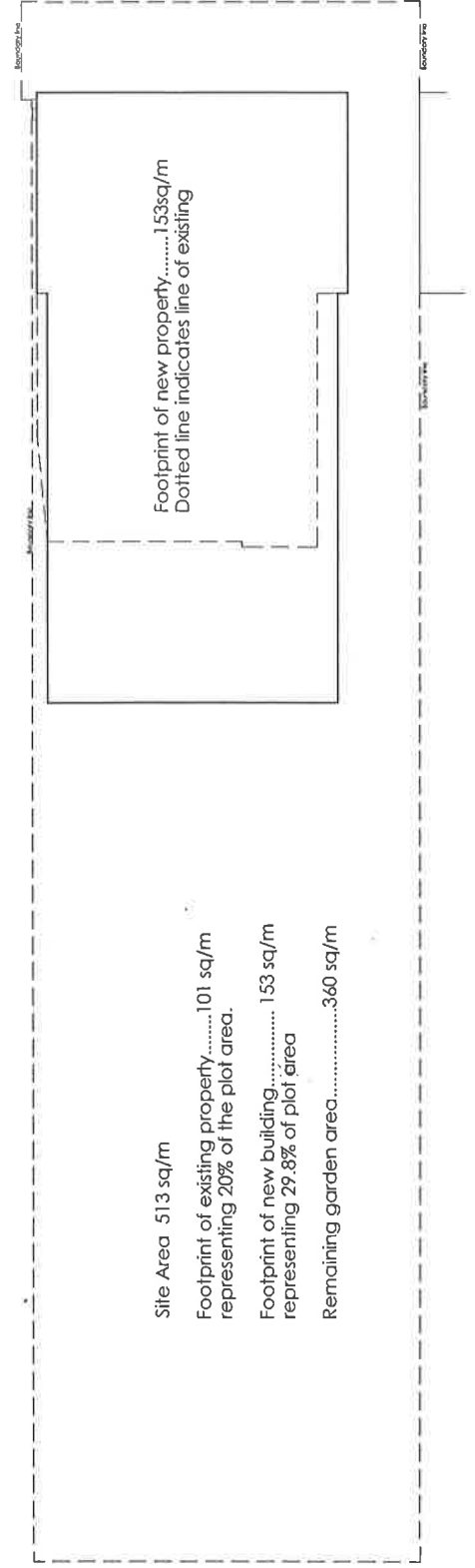
David Graham





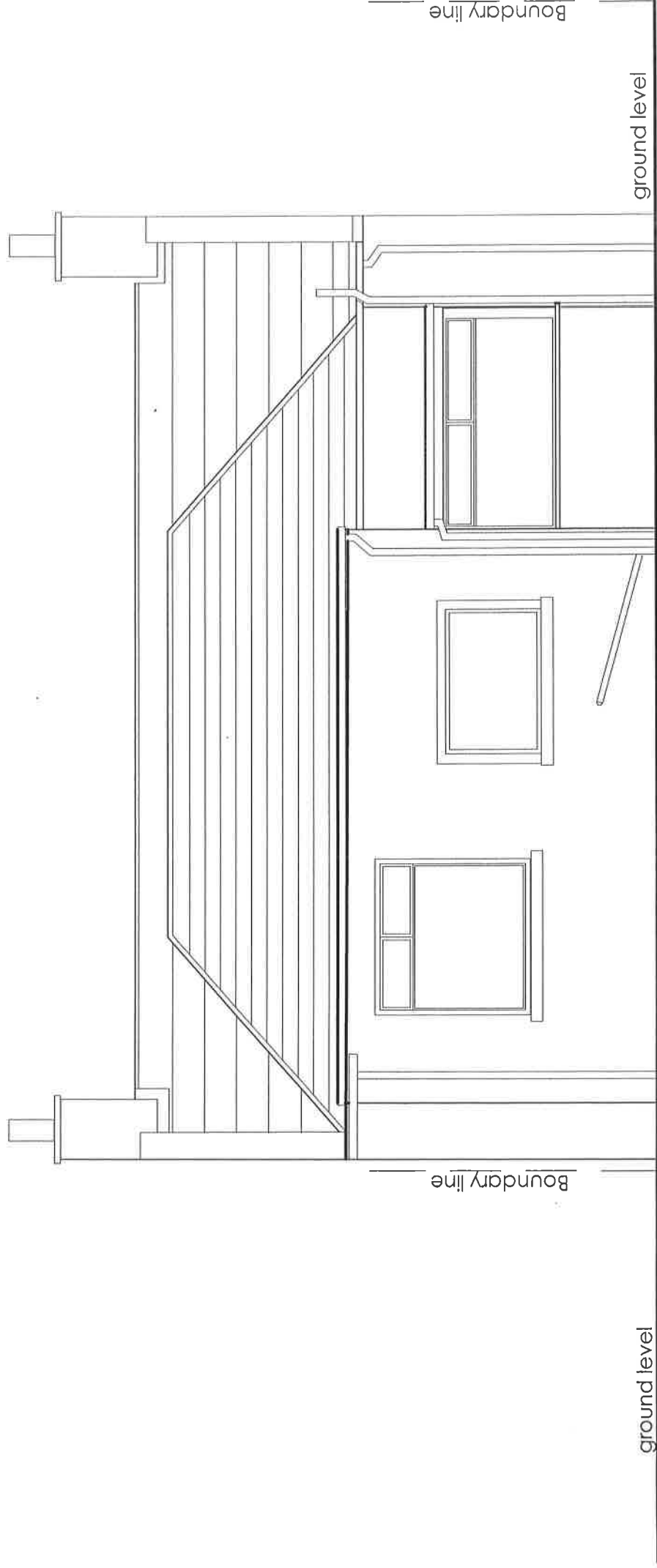


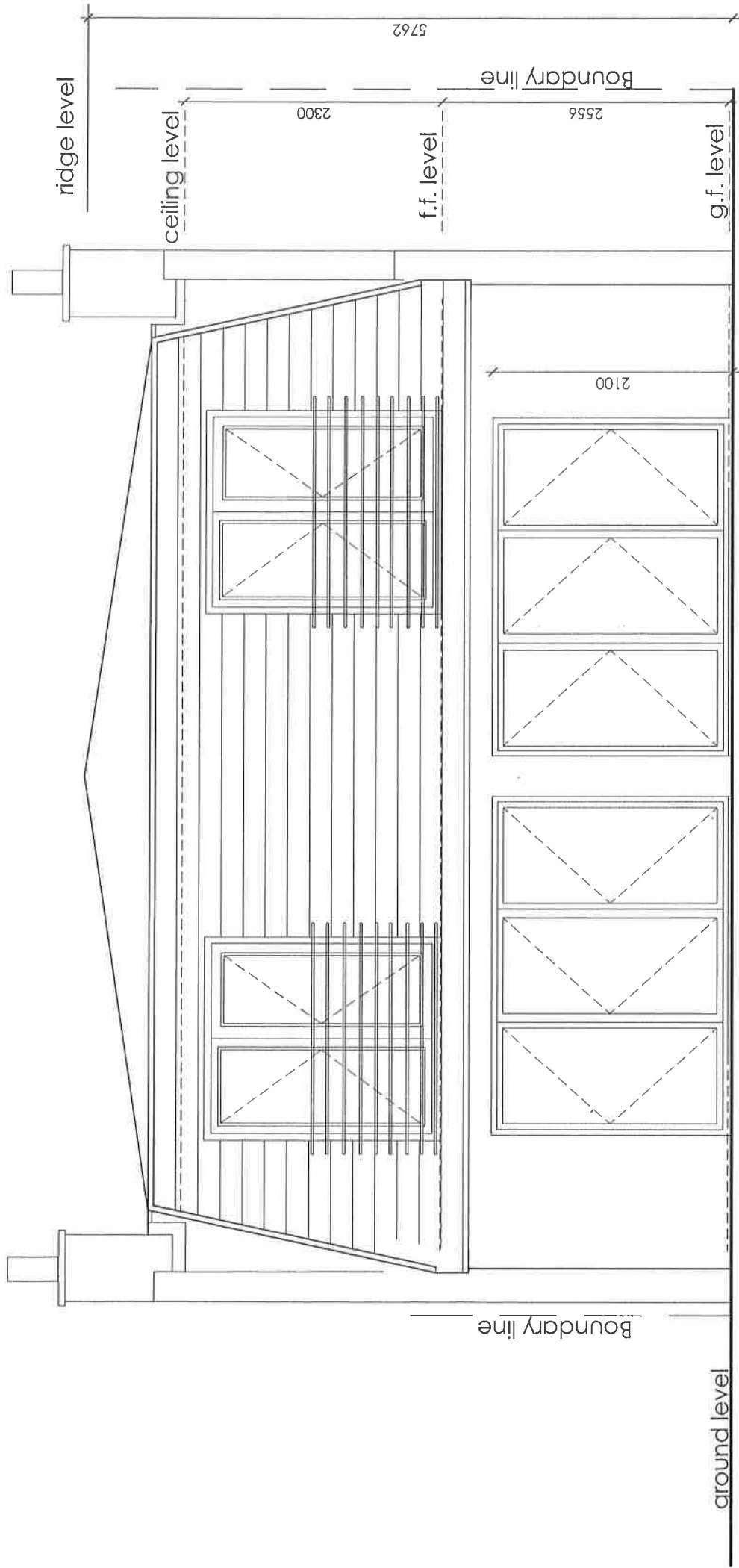
11375



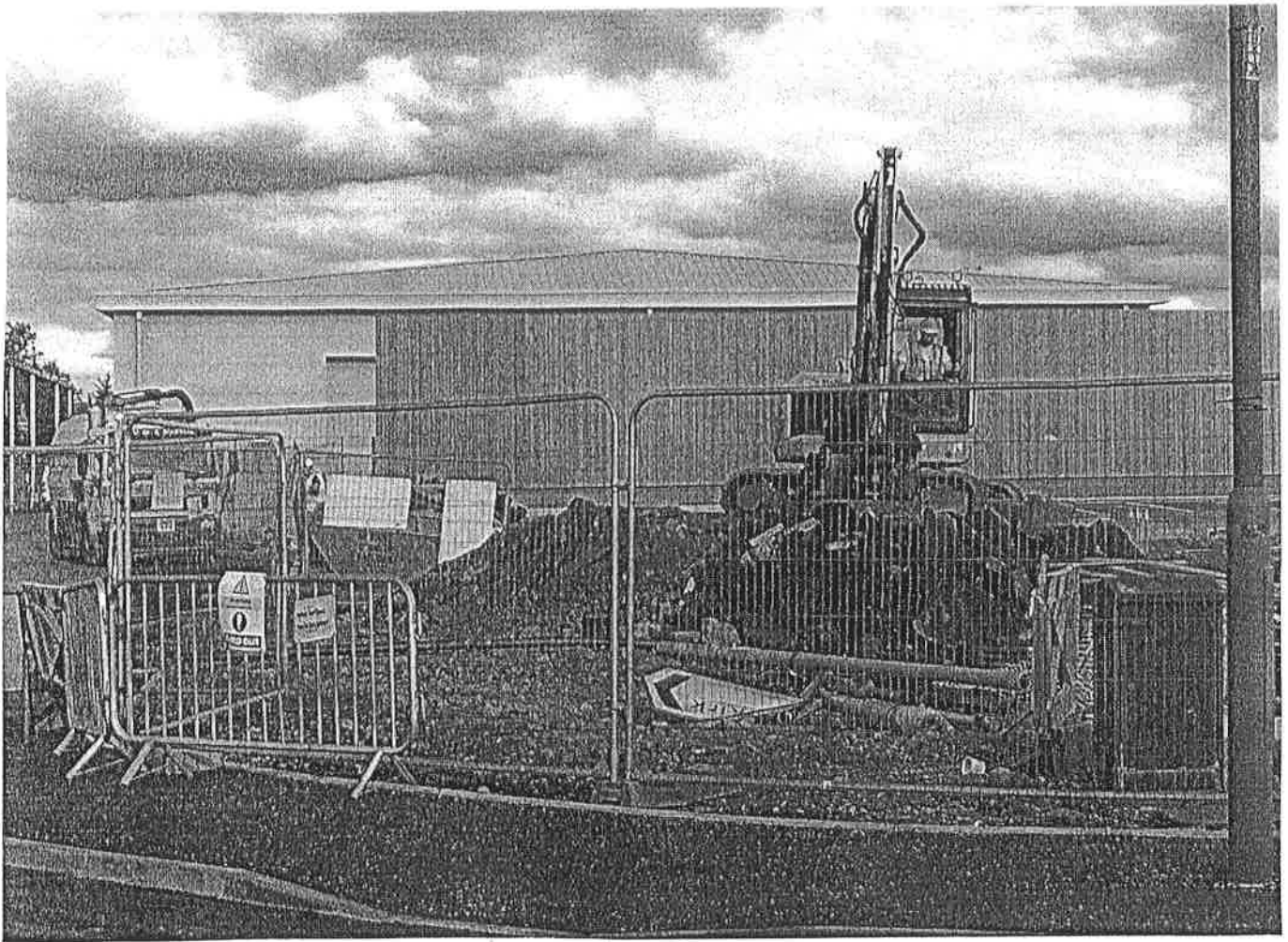
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EXISTING REAR ELEVATION





PROPOSED REAR ELEVATION



EXISTING VIEW FROM FRONT DOOR No 27 TRYST ROAD TOWARDS B&M



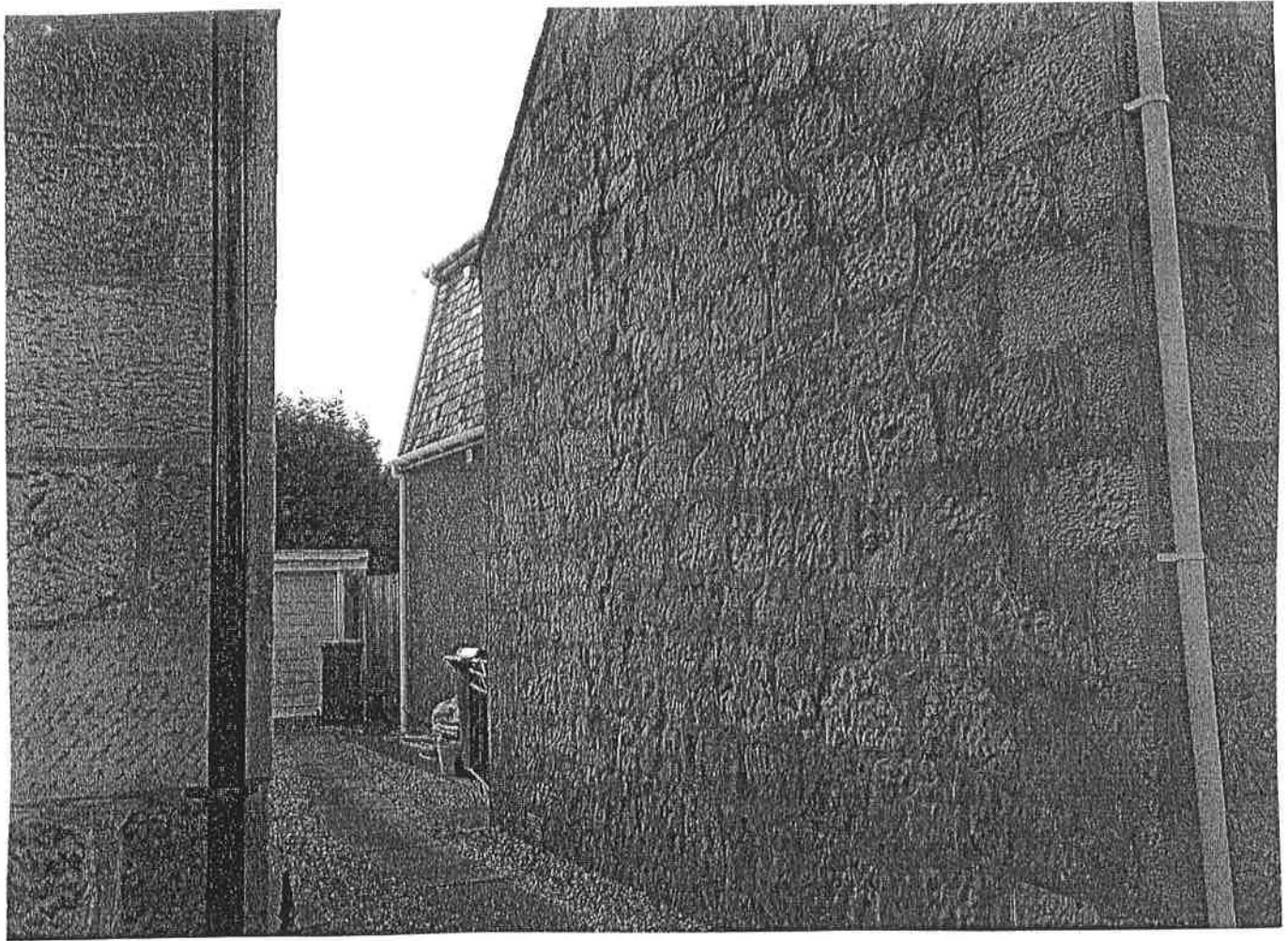
VIEW OF GARAGE SITE TO REAR WITH BOUNDARY FENCE TO THE RIGHT



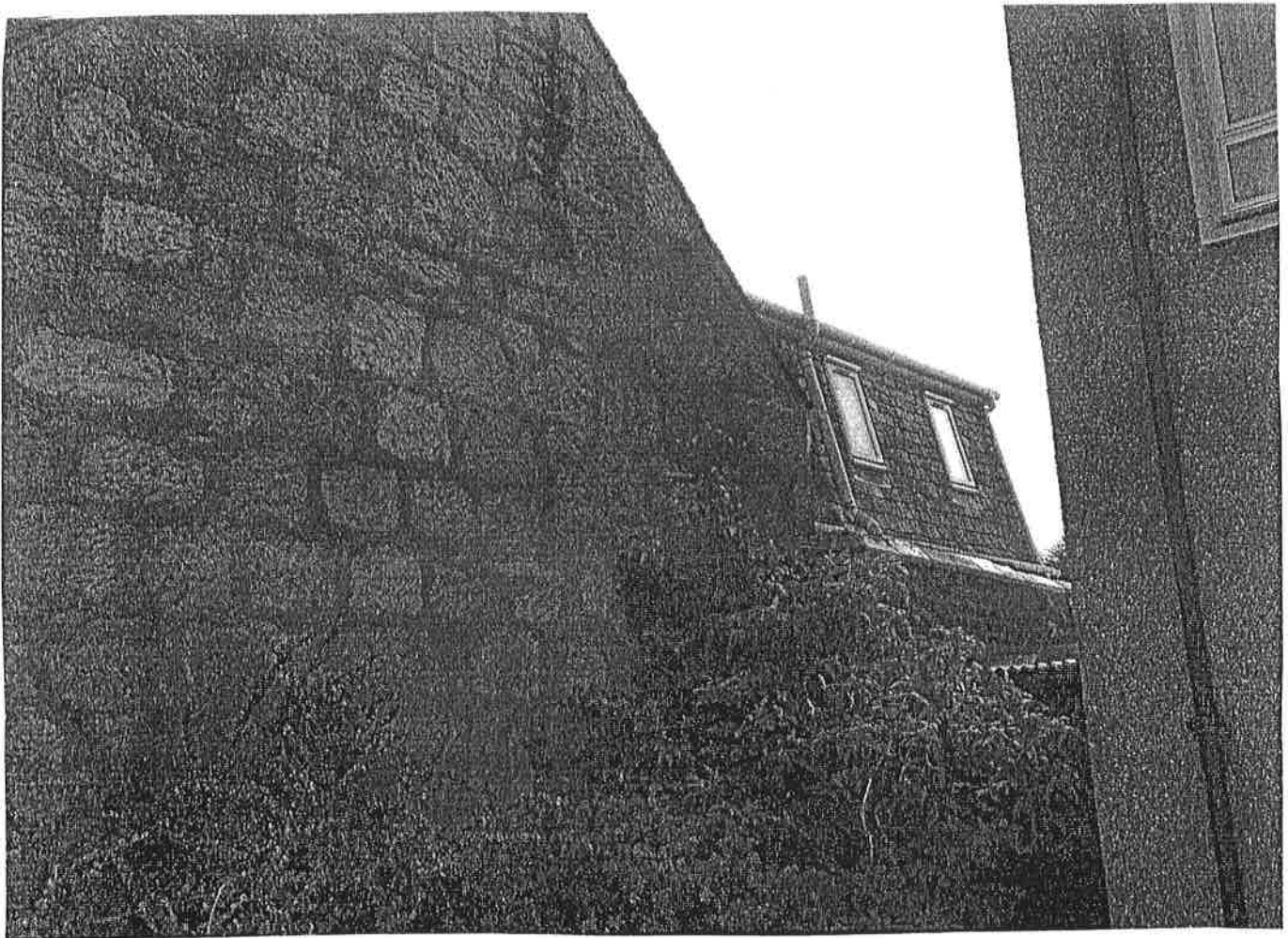
EXISTING FRONT ELEVATION 27 TRYST ROAD(CENTER)VIEWD FROM SOUTH
OPPOSITE FOOTPATH



EXISTING FRONT ELEVATION 27 TRYST ROAD (CENTER) VIEWED FROM NORTH
OPPOSITE FOOTPATH



VIEW OF EX MANSARD EXTENSION AT 31 TRYST ROAD SOUTH GABLE FROM FOOTPATH



VIEW OF EX MANSARD EXTENSION AT 31 TRYST ROAD NORTH GABLE FROM FOOTPATH



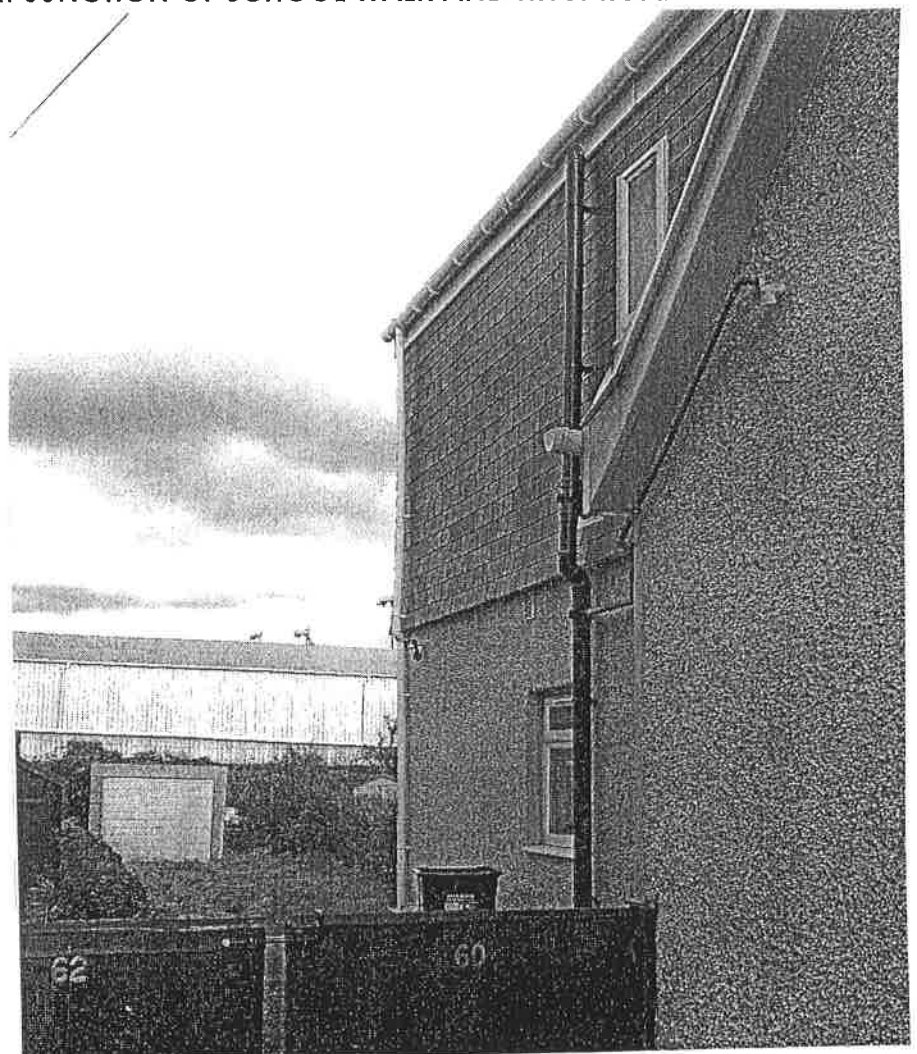
EXISTING REAR ELEVATION OF No 27 TRYST ROAD VIEWED FROM GARAGE SITE



EXISTING MANSARD ROOF OF No 31 TRYST ROAD VIEWED FROM GARAGE SITE



EXISTING EXTENSIONS AT JUNCTION OF SCHOOL WALK AND TRYST ROAD
VERY PROMANANT SITE



EXISTING REAR EXTENSION 60 TRYST ROAD



RECENT EXTENSION TO PROPERTY CORNER OF MORAY PLACE AND
ABBOTSGRANGE ROAD GRANGEMOUTH. TIMBER BOX IN KEEPING WITH
MATERIALS AND STYLE OF 1930'S BUNGALLOWS ???



NEW PROPERTY AT 67 BLINKBONNY ROAD CAMELON
APPARANTLY THIS PROPERTY IS IN KEEPING WITH THE WELL ESTABLISHED
RESIDENTIAL AREA???



A RECENT EXTENSION VIEW FROM A BUSY GLENFUIR ROAD CAMELON



EXTENDED PROPERTY AT ON WATSON STREET FALKIRK



THE OVER DEVELOPMENT INCLUDES A LARGE DOUBLE GARAGE WITH ROOM ABOVE