

# HARDIE ASSOCIATES LTD

Mr John Morris  
Falkirk Council  
Development Services  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ

12<sup>th</sup> September, 2019

Dear John

## **Planning Review – P/18/0484/PPP**

Further to your letter dated 30/08/19, I wish to respond to several pertinent issues and discrepancies in the latest letter from an objector.

Mr McGlashan makes reference to tree planting :

***“My property does not now, nor ever has had, ‘substantial tree planting on his boundary’”***

Our document makes reference to the tree planting on the lane boundary “the plot is located at the end of a private lane on Henry Street, where the neighbouring owner has substantial tree planting on his boundary.”

The point of this statement is to reinforce that the plot is not easily visible from the public road at Henry Street, which is most definitely the case as demonstrated in the photograph below.



**78 HOPETOUN STREET, BATHGATE, WEST LoTHIAN, EH48 4PD  
TEL. 01506 633979**

Cont.

Mr McGlashan may have misinterpreted our document, however it could also be suggested that he was attempting distort the statement and suggest dishonesty on our part.

***“The elevation of the proposed development would overshadow all adjoining properties in Henry Street, Braefoot Road and now in addition the new Miller estate properties.”***

This is a sweeping statement on overshadowing, whereas there is actually one ONE property potentially affected by a proposed new house.

In this situation, the build zone is over 20 metres from his boundary, so in terms of BRE guidance, the new house would need to be almost 4 storeys high before it casts an adverse shadow at the boundary.

Using detailed sun path analysis, any shadow would effectively only fall inside the adjoining site boundary at some time between 9.30am and 11.00am, depending on the time of year.

***The land in question was only ‘fenced off’ for a very brief period before (I assume the Council intervened) the access was reinstated. For many years it has had designated access openings which are well used. I can personally confirm that more than 20 years ago a “no ball games” sign was set in the area. This would obviously not have been installed if there was no regular use or access. This land is well used as an open amenity site by many including dog walkers & children, and this use has increased since the construction of the nearby Miller homes. Every winter when it snows the site provides an excellent and much enjoyed sledging area.***

For the avoidance of doubt this land is privately owned and the opening up of the fence was done illegally and without Council intervention. Regardless of past history, there are NO rights of way or usage for the general public.

The applicant has also asked me to point out that adjacent owners have now made four separate approaches to purchase the application site, to incorporate into their own garden and I attach a copy of one of the letters to verify this. It is therefore evident that amongst the surrounding neighbours, not everyone regards the land as a public open space.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Colin Hardie

Our Ref: WJM/LB/FLE1-4.261946

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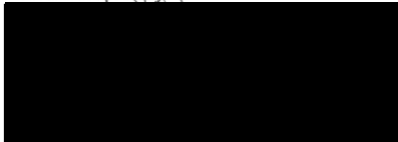
27<sup>th</sup> September 2017

Dear Mr Melrose

**Ground at Braefoot Road, Bo'ness**  
**Mr and Mrs Fleming**

Our clients have asked us to contact you further to ascertain if there is any progress in respect of your piece of ground next to their house at Braefoot Road, and as before to check if you are willing at this stage to sell either part or all of the site to them. We look forward to hearing from you in due course.

Yours faithfully 



*replied by  
email.  
17.10.17*