
NORTH AYRSHIRE COUNCIL

8 June 2022

Local Review Body

Title:	Notice of Review: 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride for the formation of an upper floor balcony to the rear of the detached dwellinghouse at that address.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further Representations; and
 - Appendix 6 - Applicants Response to Further Representations.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received. Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5 and Appendix 6 provides the applicant's response to these representations.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100551412-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Linda"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="McAlpine"/>	Address 1 (Street): *	<input type="text" value="Hyndman Road"/>
Company/Organisation	<input type="text" value="NA"/>	Address 2:	<input type="text" value="Seamill"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="West Kilbride"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA23 9NL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

11 HYNDMAN ROAD

Address 2:

SEAMILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

WEST KILBRIDE

Post Code:

KA23 9NL

Please identify/describe the location of the site or sites

Northing

647403

Easting

220026

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of upper floor balcony to rear of detached dwellinghouse.

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting document.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal (21_01180_PP).pdf

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01180/PP

What date was the application submitted to the planning authority? *

03/12/2021

What date was the decision issued by the planning authority? *

21/01/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See attached document "Appeal (21_01180_PP).pdf".

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

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

No reasons.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Kenneth McAlpine

Declaration Date: 03/04/2022

Reference No: 21/01180/PP
Proposal: Formation of upper floor balcony to rear of detached dwellinghouse
Location: 11 Hyndman Road, Seamill, West Kilbride, Ayrshire KA23 9NL

Dear Sir/Madam,

Please take this document as a further written submission to be included in the Appeal of the refusal of the original decision.

The Analysis from planning seems to only deal with the neighbour to the southwest of our property. This neighbour is one of the majority of neighbours who did NOT complain about the proposed balcony. This neighbour (13 Hyndman Road) is already overlooked by an existing balcony at 15 Hyndman Road, and bought the property when the existing balcony was present.

1.0 Strategic Policy 2

On the refusal of this Application a lot has been made of the term 'amenity' to mean privacy.

The definition of amenity is:

Cambridge dictionary definition:

"something, such as a swimming pool or shopping centre, that is intended to make life more pleasant or comfortable for the people in a town, hotel, or other place"

Merriam-Webster dictionary definition:

"something that helps to provide comfort, convenience, or enjoyment"

These are only the first two definitions when googling "amenity definition", and as you can see the Applicant is struggling to see how amenity morphs into privacy.

It is not the place of an Applicant to ensure the privacy of neighbours, that task alone must fall on the neighbour, and the neighbour alone, by simple placing of fences, structures, bushes or trees to protect their own privacy if they so desire.

2.0 Overlooking

2.1 Proposed balcony to nearest neighbour is 3.2m.

The Analysis gives a false and misleading impression because it fails to add that it is 3.2m over the Applicant's driveway to a double wall until the boundary of the neighbour which has their driveway running parallel to Applicant's driveway, therefore it is approximately 7m from balcony to neighbour's garden.

2.2 Existing views from rear window not much different to balcony.

Please refer to original application and Architects drawings on viewing angles to see that there is very little difference from existing windows and proposed balcony.

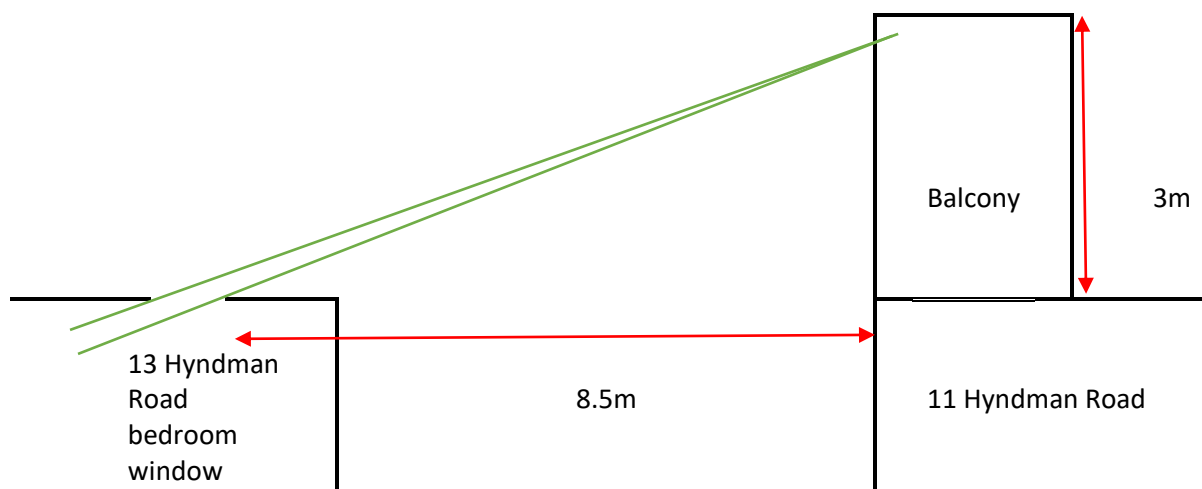
There is no absolute right to privacy and overlooking.

A neighbour's privacy is the neighbour's responsibility and not the Applicants.

In the 21 years the Applicant has been living at this address, none of the neighbours have deemed it necessary to screen off their gardens with trees or large bushes despite their gardens being overlooked from the rear of the Applicants property for 21 years.

2.3 Views backward to south-west (to 13 Hyndman Road)

Angle is so acute as to not warrant serious consideration (see diagram below):



3.0 Applicant and screening

Applicant did not propose any screening, as there are already two existing balconies in the six houses on this side of the road, none of which have any screening.

4.0 Existing balconies

The presence of two existing balconies in the six houses on this side of the street render all of the planning objections mute. How can North Ayrshire Council refuse outright the Applicants proposed balcony when there are already two existing balconies in situ, and this proposed balcony conforms with North Ayrshire's Strategic Policy 2 which states qualities of a successful place "by accentuating existing landmarks to create or improve views (including sea views)".

5.0 Future Neighbours

One of the Council's reasons for refusing the proposed balcony was that future neighbours may not like the proposed balcony. This is not a fact, it is pure and utter speculation.

Let us now deal on facts, and facts alone, out of the two neighbouring properties on either side of the Applicant, none complained about the proposed balcony. These are facts.

6.0 Objections

Of the eleven letters sent out to neighbours, only two neighbours objected. This means that 82% of neighbours contacted did not object at all to the proposed balcony.

The two objections were on the grounds of overlooking, and these can be mitigated as follows:

13 Faulds Wynd

6.1 Window to window, and proposed balcony to window is more than minimum distance for any overlooking issues (25m and 21.5m respectively).

6.2 In 17 years of living at this household this neighbour has never tried to mitigate any overlooking.

6.3 This household is already overlooked from a balcony at 7 Hyndman Road, which is about the same distance to their boundary than our proposed balcony, and the balcony at 7 Hyndman Road has no screening.

6.4 This household bought their property approximately 17 years ago when the balcony at 7 Hyndman Road was already present.

15 Faulds Wynd

6.5 This household from any window cannot see the proposed balcony, so the proposed balcony cannot see in any window of this property.

6.6 Window to window, and proposed balcony to window is more than minimum distance for any overlooking issues (23m and 19.5m respectively).

6.7 In 17 years of living at this household this household has never tried to mitigate any overlooking.

6.8 This household, rather than trying to mitigate overlooking, has instead recently cut back trees.

6.9 This household is already overlooked from a balcony at 15 Hyndman Road, which has no screening, and can see much more of this household than the proposed balcony.

6.10 This household bought their property approximately 17 years ago when the balcony at 15 Hyndman Road was already present.

Can we request that a site visit is undertaken as well as consideration of the many points made in this document.

Thanks and Regards,

Linda and Kenneth McAlpine

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/01180/PP
Proposal:	Formation of upper floor balcony to rear of detached dwellinghouse
Location:	11 Hyndman Road, Seamill, West Kilbride, Ayrshire KA23 9NL
LDP Allocation:	General Urban Area
LDP Policies:	Strategic Policy 2 /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 08.12.2021 Neighbour Notification expired on 29.12.2021
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Description

Permission is sought for the creation of a rear dormer balcony inset into an existing ground floor projection of a detached dwellinghouse.

The balcony would be some 10.46sqm in area being 3.27m wide and projecting from the first-floor rear elevation by 3.2m. The balcony platform would be some 3m above ground level. It would be surrounded on its free edges by a 1.1m high glass balustrade. The existing window would be replaced with a set of doors.

The balcony would be sited on the south-western side of the north-west facing rear elevation. It would be some 3.2m from the side boundary to the south-west, some
21/01180/PP

13.1m to the rear boundary to the north-west and 6.7m from the other side boundary to the north-east.

Pre-application advice was sought in May 2021. The applicant was advised that balconies normally created a greater level of overlooking than was experienced from windows. The level of overlooking from the proposed balcony may impact on neighbouring properties. If an application was refused, there would be a right of appeal.

The site is within the General Urban Area of West Kilbride, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). There are residential properties to all sides. The alteration of an existing residential property is acceptable in principle and the details of the proposal require to be assessed against Strategic Policy 2 of the LDP.

Consultations and Representations

Neighbour notification was carried out and there was no requirement to advertise the application. Two objections have been received which can be summarised as follows:

1. The balcony will overlook adjoining gardens and reduce the privacy of neighbouring properties.

Response: Noted.

Analysis

Strategic Policy 2 of the LDP sets out the qualities of a successful place. In respect of this application, it is considered that the main considerations are design and the impact on neighbouring amenity. The proposed balcony would be to the rear and not readily visible from public viewpoints. It would be visible from adjoining properties. However, the proposed design is considered to be appropriate for a rear garden setting and the proposal is therefore considered acceptable in design terms. The balcony would be inset within an existing pitched roof and therefore it is not considered to give rise to any issues by way of overshadowing or effecting daylight.

The balcony would project some 3m from the existing first floor rear elevation. It would provide views to all sides at a height of 3m above ground level. The view to the rear (north-west) would be across rear gardens although it is noted that this would be at a distance of over 13m, obscured by a garage building in the application property and the houses to the rear sit at oblique angles to the application property. The houses in the plots to the rear would also be some 20m from the balcony.

The views to both sides would also be across neighbouring rear gardens, with the south-west boundary only some 3.2m from the proposed balcony. The boundaries to either side comprise approx. 1.8m high timber fences. The balconies would give views over most of the adjacent gardens to either site.

The applicant has provided an overlooking calculation which it is claimed demonstrates that overlooking from the balcony would not be significantly greater than the existing window. Whilst potential static views may be similar, the use of a balcony gives a more intensive sense and perception of overlooking. From a window one or two people may gain a view for a limited time. However, a balcony of this size

would allow several people to enjoy views for longer periods in multiple directions. The use of a balcony would be more obvious to neighbours, adding to the sense of being overlooked. Given the projection of 3m and the alignment of the houses, the balcony could also provide views backwards toward the upper floor windows of the house to the south-west at a distance of approx. 8.5m.

It is noted that views towards the coast and Arran are west and south-west. Creating views in this direction would appear to be the principal reason for creating a balcony in this location. Therefore, whilst it could be possible to screen the north-eastern side boundary to mitigate overlooking in that direction, it does not appear possible to appropriately screen the south-western side to adequately protect properties in that direction. The applicant has not proposed any screening for the balcony.

It is noted that there are rear balconies at Nos. 7 and 15 Hyndman Road. There is no record of planning permission for these balconies, although both appear to have been in situ for more than 4 years. Notwithstanding, the presence of other balconies does not mean that further impacts on residential privacy can be supported. Indeed, additional privacy impacts would likely cause greater harm given the overlooking which exists from other properties. It is also noted that the extant balconies are smaller in scale than this proposal.

The applicant believes that no objections have been made by the neighbours to the side. In terms of overlooking the Council has a duty to consider the amenity of existing and future occupiers of neighbouring properties, and the absence, or otherwise, of objections from immediate neighbours is not considered to outweigh the other material considerations. The applicant has also made reference to balconies permitted elsewhere, despite objections. Each application must be considered on its merits. Permission being granted for other balconies in West Kilbride is again not considered to outweigh the considerations for this application.

The proposal is considered to be contrary to Strategic Policy 2 of the Local Development Plan in that it does not respect the amenity of existing and future users of adjoining properties by way of privacy. The application should therefore be refused.

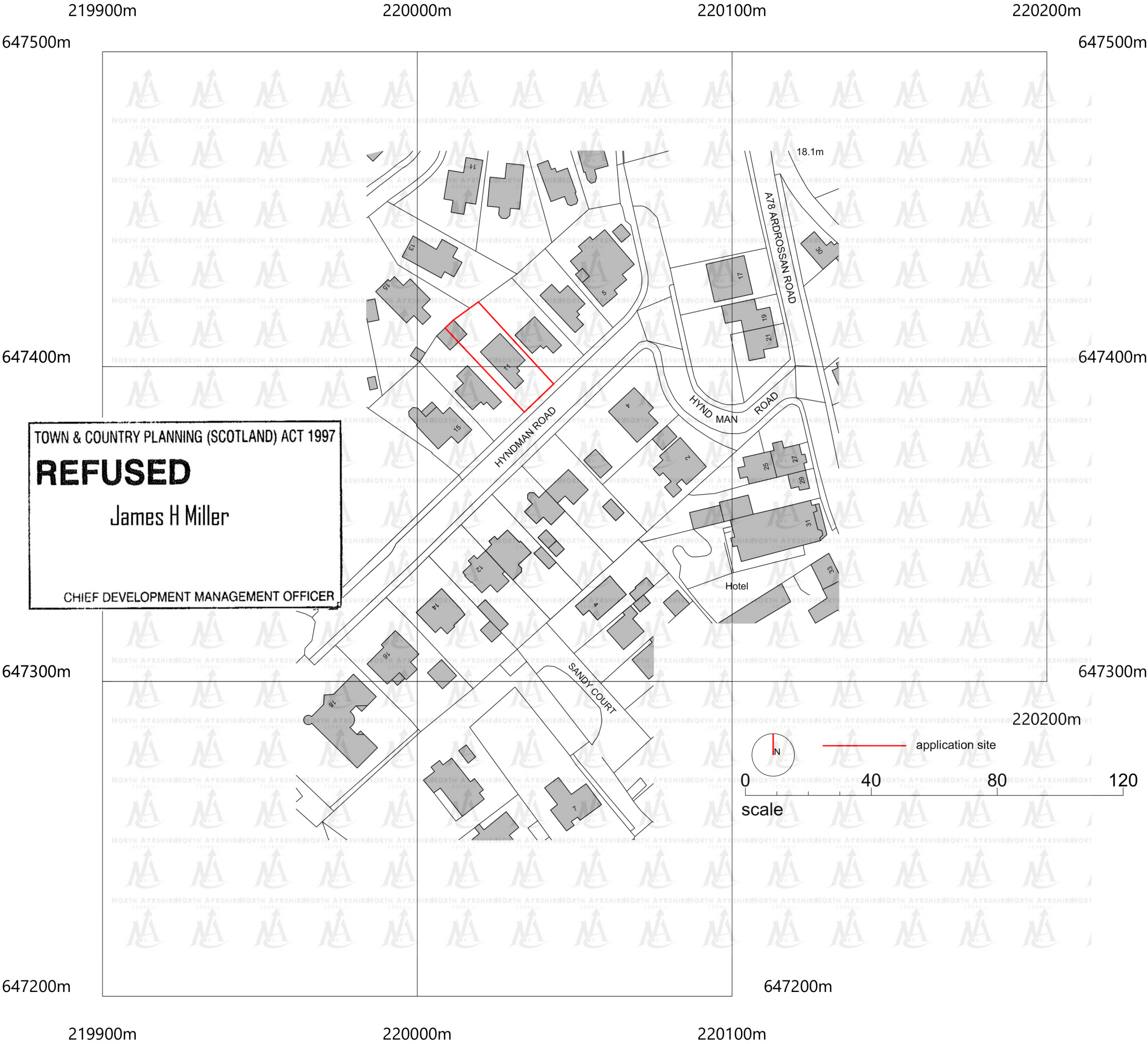
Decision

Refused

Case Officer - Mr Iain Davies

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan	050	
Location Plan	010	
Existing Elevations	002 Rev A	
Existing Plan	001	
Proposed Plan	101 Rev A	
Proposed Elevations	102 Rev B	
Block Plan / Site Plan	150	



Rev	Date	Notes
</		



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01180/PP

(Original Application No. N/100510018-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr & Mrs Kenneth & Linda McAlpine
c/o Cooper Architects Ltd Fao Catherine Cooper
51 Main Street
West Kilbride
Ayrshire
KA23 9AW

With reference to your application received on 6 December 2021 for planning permission under the above mentioned Acts and Orders for :-

Formation of upper floor balcony to rear of detached dwellinghouse

at 11 Hyndman Road
Seamill
West Kilbride
Ayrshire
KA23 9NL

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposal is contrary to Strategic Policy 2 of the Local Development Plan in that it does not respect the amenity of existing and future users of adjoining properties by way of overlooking which would have an unacceptable impact on privacy.

Dated this : 21 January 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28**

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: RE: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 12 April 2022 16:38:46
Attachments: [DFFAAD09CE2149B0A195F9D1A3BA48B6.png](#)
[202F8352CF9C4FCDA9BFD36002AF5E46.png](#)

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Angela

I confirm my objection to the application under "Notice of Review" for 11 Hyndman Road

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 06 April 2022 10:49
To: [REDACTED]
Subject: Fwd: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

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From: Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk>
Sent: Wednesday, April 6, 2022 10:42:26 AM
To: [REDACTED]
Subject: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Dear Mr [REDACTED]

Please find attached notification of a Notice of Review received in respect of the above planning application.

I am working from home and can be contacted by email

Angela Little
Committee Services Officer

01294 324132
Democratic Services
Cunninghame House
Irvine
KA12 8EE

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[North Ayrshire Council Website](#)

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 06 April 2022 10:17:21

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Hi Angela

My decision remains the same, this is an invasion of my privacy and would look directly into my garden and the back of my home.

Do you need anything further from me [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

On Wed, 6 Apr 2022 at 09:34, Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk> wrote:

Dear Ms [REDACTED]

Please find attached notification of a Notice of Review received in respect of the above planning application.

I am working from home and can be contacted by email

Angela Little

Committee Services Officer

01294 324132

Democratic Services

Cunninghame House

Irvine

KA12 8EE

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From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: RE: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 29 April 2022 15:03:31

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Hi Angela,

Further objection from 13 Faulds Wynd

We do not believe this to be a genuine objection for the following reasons:

This household is already “overlooked” from a balcony at 7 Hyndman Road, which has no screening. This household bought the property when this existing balcony was in situ 17 years ago.

Between 13 Faulds Wynd and 11 Hyndman Road, window to window and proposed balcony to nearest window are more than the minimum distance for any overlooking/privacy issues (25m and 21.5m respectively). We also contacted North Ayrshire Council (NAC) who stated that the minimum acceptable distance mitigating overlooking/privacy issues is 18m, so we have no idea why this balcony was point-blank refused in the first place when it is more than the minimum distance set by NAC to mitigate overlooking/privacy issues.

In 17 years of living at 13 Faulds Wynd this household has never tried to mitigate any overlooking/privacy issues that our two-storey detached dwelling provides, and has always provided. The proposed balcony only moves existing views approximately 3.5m closer but is still 21.5m away from this neighbour's property which is still within the minimum distance set by NAC to mitigate overlooking/privacy issues.

Further objection from 15 Faulds Wynd

We do not believe this to be a genuine objection for the following reasons:

This household is already “overlooked” from a balcony at 15 Hyndman Road, which has no screening and can see much more of this household than our proposed balcony. This household bought the property when this existing balcony was in situ 17 years ago.

This household from any window cannot see the proposed balcony, so the proposed balcony cannot see any window of this property.

Between 15 Faulds Wynd and 11 Hyndman Road, window to window and proposed balcony to nearest window are more than the minimum distance for any overlooking/privacy issues (23m

and 19.5m respectively). We also have no view of this property's conservatory or patio from the upstairs of our house or from the location of the proposed balcony. We also contacted North Ayrshire Council (NAC) who stated that the minimum acceptable distance mitigating overlooking/privacy issues is 18m, so we have no idea why this balcony was point-blank refused in the first place when it is more than the minimum distance set by NAC to mitigate overlooking/privacy issues.

In 17 years of living at 15 Faulds Wynd this household has never tried to mitigate any overlooking/privacy issues that our two-storey detached dwelling provides, and has always provided. The proposed balcony only moves existing views approximately 3.5m closer but is still 19.5m away from this neighbour's property which is still within the minimum distance set by NAC to mitigate overlooking/privacy issues.

This household, rather than trying to mitigate overlooking, has instead recently cut back trees.

Overall, this proposed balcony only received two objections out of eleven households contacted, this amounts to 82% of households having no objection to this proposed balcony.

If required, we are prepared to plant an evergreen shrub or small evergreen tree in our garden to mitigate any perceived overlooking/privacy issues even though it is a greater distance than the minimum acceptable distance mitigating overlooking/privacy issues.

We strongly believe that a site visit will allow NAC to review all these points and better understand why we believe that these two objections are not genuine for the aforementioned reasons.

Thanks and Regards,

Linda and Kenneth McAlpine

From: Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk>

Sent: 20 April 2022 15:08

To: [REDACTED]

Subject: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Dear Mrs McAlpine

Please find attached details of further representations received in respect of the Notice of Review and information on the next stage of the process

I am working from home and can be contacted by email

Angela Little

Committee Services Officer

01294 324132

Democratic Services

Cunninghame House

Irvine

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