



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 25 April 2018** at **14:15** to consider the undernoted business.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of meetings of the Committee held on 14 March 2018 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: !8/00005/PP - 66 Glen Avenue, Largs

Submit report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

4 Urgent Items

Any other items which the Chair considers to be urgent.

Local Review Body Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

Present

Timothy Billings, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

Neil McIlvanney, Strategic Planning Manager; Ross Middleton, Senior Development Management Officer (Economy and Communities); J. Law, Solicitor (Contracts & Licensing) (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Billings in the Chair.

Apologies for Absence

Robert Foster, Shaun Macaulay and Tom Marshall.

1 Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow earlier consideration of Agenda Item 4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle).

2 Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3 Minutes

The Minutes of the meeting of the Committee held on 14 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle)

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a dwellinghouse, in principle.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

The Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant.

The Planning Adviser thereafter summarised the Notice of Review for the Applicant, the Report of Handling of the Appointed Officer, the representations lodged and the applicant's response to further representations. Photographs and plans of the site were displayed.

The Clerk to the Local Review Body then read out correspondence from an interested party, which had been received following the publication of the agenda, questioning the accuracy of points made in the applicant's response to further representations, namely the person who laid the current drainage system and the possible removal or re-routing of existing assets. Members were advised this did not constitute a material planning consideration and should therefore have no bearing on the decision making process.

Members asked questions and were provided with further information on:-

- the current drainage system in place on the site and the fact that planning services only consider the scope to drain sites whereas the technical specifications of drainage solutions require approval from SEPA;
- access and location of the electricity substation and overhead utility cables on site;and
- reports of flooding on the site and whether or not the North Ayrshire Council flooding officer had been consulted on the application.

Councillor Reid, seconded by Councillor McNicol, moved that the Local Review Body uphold the decision to refuse planning permission on the following grounds:-

1. The proposed development would be contrary to criterion (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting to the rear of 33 Main Road, any new dwellinghouse, irrespective of siting and design:

(i) would conflict with the established pattern of development in the village of Gateside due to the lack of a developable street frontage;

(ii) would not offer an acceptable level of residential amenity for the proposed dwellinghouse, including outlook, due to constraints on the site;

(iii) would be detrimental to the amenity of the housing in the surrounding area, all of which would not be in the interests of the proper planning of the area.

As an amendment, Councillor Barr, seconded by Councillor McMaster, moved that the LRB grant planning permission subject to conditions relating to (a) siting, design and external appearance of, landscaping and means of access; and (b) the drainage of the site.

On a division, there voted for the amendment 4 and for the motion 3, and the amendment was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed to (a) grant planning permission subject to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.

2. That a Flood Risk Assessment and Drainage Strategy, in consultation with SEPA, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter the development shall only proceed in accordance with the approved strategy in conjunction with condition 1. For the avoidance of doubt the strategy shall take into account surface and waste water arising from the development of the site, proposed mitigation, timeframes for installation as well as maintenance of any mitigation or drainage measures.

and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

Councillors Clarkson, Larsen and McMaster left the meeting at this point.

5 Notice of Review: 17/01100/PP - 2 Horse Isle View, Ardrossan

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a sun room and roof alteration at the rear of the dwelling house and garage conversion.

At its meeting on 14 February 2018, the Local Review Body agreed to (a) proceed to a site familiarisation visit; (b) advise the applicant and interested parties accordingly; and (c) note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request. A site familiarisation visit was duly held on 12 March 2018, attended by Councillors Billings, Barr, McNicol and Reid.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

Accordingly, having considered all of the information, Councillor McNicol, seconded by Councillor Reid, moved that the Local Review Body uphold the decision to refuse planning permission. There being no amendment the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed (a) to refuse planning permission on the grounds that:-

1. the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council local Development Plan in that the side facing windows on the extension would introduce an unacceptable degree of overlooking to a neighbouring dwellinghouse to the detriment of its amenity and privacy.

and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

The Meeting ended at 3:10 p.m.

NORTH AYRSHIRE COUNCIL

25 April 2018

Local Review Body

Title:	Notice of Review: 18/00005/PP 66 Glen Avenue, Largs - Erection of conservatory to rear of semi-detached dwelling house
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 18/00005/PP - 66 Glen Avenue, Largs for the erection of a conservatory to rear of semi-detached dwelling house.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice (Appendix 3).
- 2.3 The following related documents are set out in the appendices to the report:-

Appendix 1 - Notice of Review;
Appendix 2 - Report of Handling;
Appendix 3 - Planning Decision Notice; and
Appendix 4 - Location Plan

3. Proposals

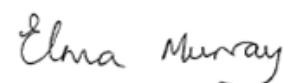
- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	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:	None arising from this report.
Children and Young People:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

- 5.1 No consultation was required as there were no interested parties (objectors, supporters or statutory consultees) in relation to this planning application.



Elma Murray OBE
Chief Executive

For further information please contact **Euan Gray, Committee Services Officer** on **01294 324130**.

Background Papers
N/A

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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

DOUGLAS HOWAT

Address

[REDACTED]

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

Agent (if any)

Name

[REDACTED]

Address

[REDACTED]

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

Mark this box to confirm all contact should be
through this representative: ☐

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

NORTH AYRSHIRE COUNCIL

Planning authority's application reference number

N/100080087-001

Site address

66, GLEN AVE LARGES, KA30 8QA

Description of proposed
developmentCONSERVATORY TO THE REAR OF
SEM-DETACHED VILLA.

Date of application

5/1/18

Date of decision (if any)

31/1/18

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

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. 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) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

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.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, 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 are necessary:

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. 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:

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.

MY REASONS FOR APPEAL ARE AS FOLLOWS

1. THE ONLY PART OF THE FIREWALL SEEN WILL BE 1 MT ABOVE HEIGHT OF DOUBLE PANELLED FENCE.
FENCE HEIGHT :- 2.05 - FIREWALL :- 3.05
2. WINDOW OF NEIGHBOUR WAS INSTALLED DURING EXTENSION SOME 30 YRS AGO THIS REPLACED THERE PATIO DOORS WAS THIS LEGAL?
3. AS THE LENGTH OF THE CONSERVATORY IS SHORTER THAN THE FENCE AND THE ROOF IS GLASS, THE ONLY

BRICKWORK NOTICABLE WILL BE 1 MT
LOSS OF LIGHT WILL BE NEGLIGIBLE.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

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 and intend to rely on in support of your review.

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.

Checklist

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

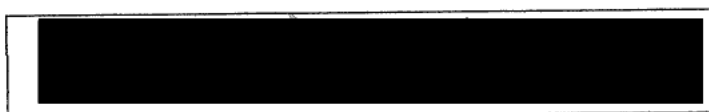
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☐ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 ~~[delete as appropriate]~~ hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

15/3/18

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/00005/PP
Proposal:	Erection of conservatory to rear of semi-detached dwelling house
Location:	66 Glen Avenue, Largs, Ayrshire, KA30 8QQ
LDP Allocation:	Residential/Housing
LDP Policies:	General Policy /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 05.01.2018 Neighbour Notification expired on 26.01.2018
Advert:	Not Advertised
Previous Applications:	15/00269/PP for Erection of extension to side of semi-detached dwelling house Approved with no Conditions on 05.06.2015

Appeal History Of Site:

Description

A ground floor conservatory extension with a footprint of some 9.625sqm would be erected to protrude some 3.5m from the rear of a semi-detached two storey dwellinghouse. The extension would be 2.75m wide. The extension would be sited at the north-eastern end of the rear (south-east) elevation.

The roof of the extension would be pitched, sloping north-east/south-west from a ridge height of 3.37m (3.68 including finial). The eaves would be 2.81m. The extension would be set on the north-eastern boundary with a fire wall, a maximum height of 2.91m, on that elevation. The rest of the extension would be upvc framed with glazed roof and elevations. The south-western elevation would have double doors giving access to the garden.

Planning permission was previously granted for the erection of an extension to the side (south-west) of the property 5th June 2015 (Ref: 15/00269/PP). That extension has been erected.

The site is within the settlement of Largs, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). All development proposals require to be assessed against the General Policy of the LDP.

Consultations and Representations

Neighbour notification was carried out and there was no requirement to advertise the application. There have not been any objections or representations received.

Analysis

There are no land use issues arising from the extension of an existing dwellinghouse and the details of the application therefore only require to be assessed against criteria (a) siting, design and external appearance and (b) amenity of the General Policy.

An extension of this scale could be comfortably accommodated within the rear garden with ample private amenity space remaining. The development would be to the rear of the house and not readily visible from public view points. The scale and appearance of the proposal would be appropriate to the existing house. Access arrangements into the rear areas would remain. The proposal therefore complies with criterion (a).

Criterion (b) of the General Policy states that regard should be had to the impact of a development on amenity. In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight. The conservatory would be built on the boundary with a firewall at a height of approx. 2.91m. This would be approx. 0.8m from the middle of the nearest neighbouring window of the property to the north-east. This window serves the living room of that house. The proposed conservatory would also be some 1.6m from the kitchen window in a rear extension which faces the boundary. The conservatory would be approx. 17degrees from the middle of the living room window in plan and about 45degrees in elevation. The conservatory would be about 45degrees in plan from the kitchen window approx. 65degrees from the kitchen window in elevation.

The Building Research Establishment (BRE) has produced guidance in relation to the effects of development on sunlight and daylight, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.' This states that development which is 45degrees or less from a window will likely cause a significant reduction of light to the room within the window and overshadow the window.

Given the height, location and angle of the proposed conservatory in relation to the neighbouring property's living room window, it is considered that it would cause significant loss of daylight to that window. It is also considered likely to cause significant overshadowing. Impact on the kitchen window would be less. However, the cumulative impact adds to the unacceptable impact of the proposal. The application is therefore held to be contrary to criterion (b) of the General Policy.

The applicant has been advised of the unacceptability of the proposal and to consider locating the conservatory on the south-western end of the rear elevation or to the rear of the side extension, but has asked that the application be determined on its current merits.

Given the preceding considerations, the application does not accord with the relevant requirements of the Local Development Plan, in particular criterion (b) of the General Policy. As such it is recommended that planning permission 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)
Existing Plans and Elevations	13720_G_PP_1	
Proposed Plans and Elevations	13720_G_PP_2	
Location Plan	13720_G_PP_3	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/00005/PP

(Original Application No. N/100080087-001)

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 Douglas Howat
c/o Quickplans Fao Jack Bingham
10 Loan
Mauchline
KA5 6AN

With reference to your application received on 5 January 2018 for planning permission under the above mentioned Acts and Orders for :-

Erection of conservatory to rear of semi-detached dwelling house

at 66 Glen Avenue
Largs
Ayrshire
KA30 8QQ

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

1. That the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan in that it would impact on the amenity of occupants of the residential property to the north-east by way of an unacceptable loss of daylight and overshadowing to habitable rooms.

Dated this : 31 January 2018

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

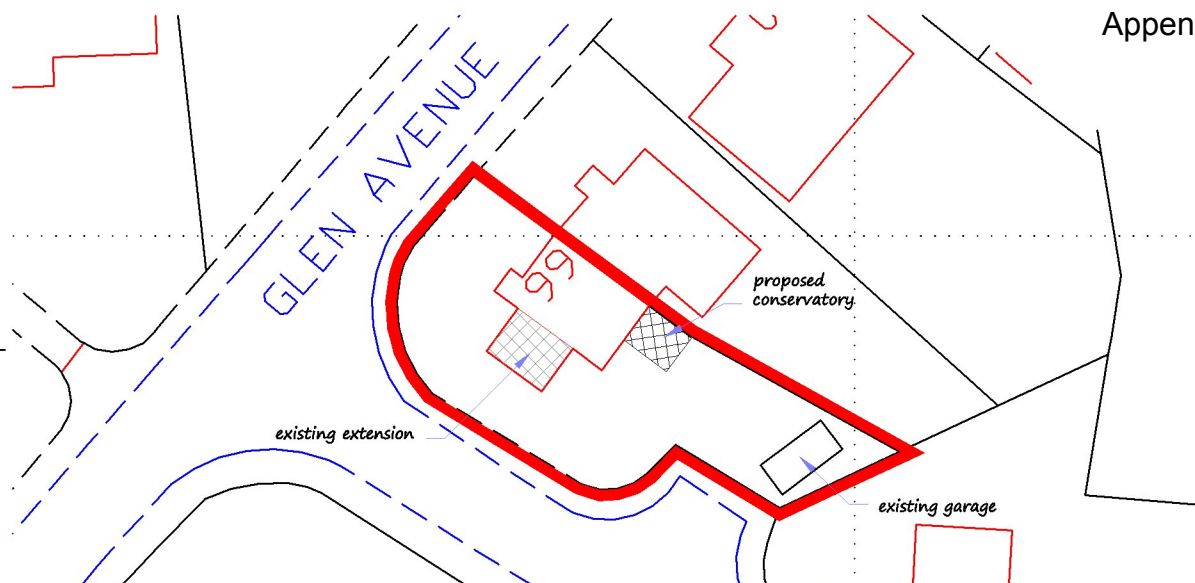
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

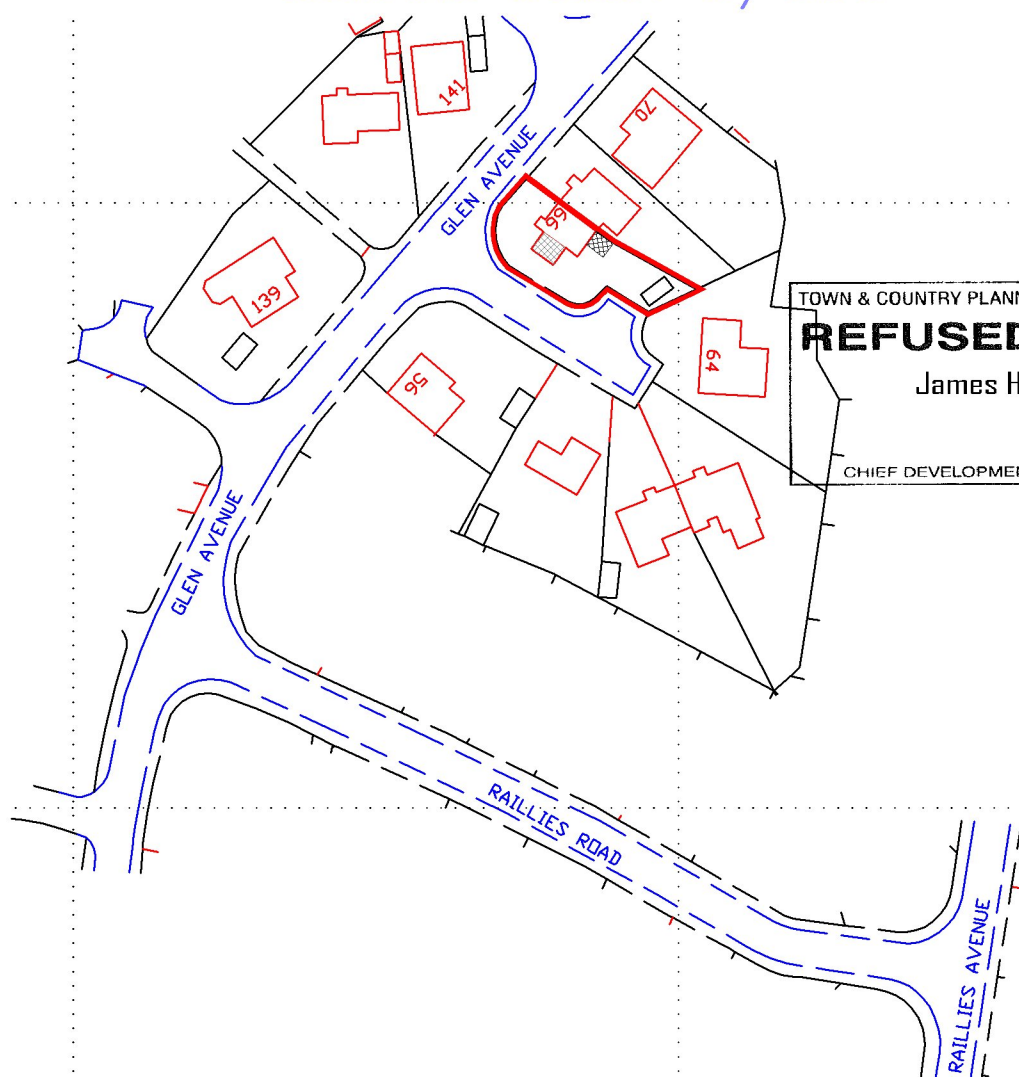
FORM 2

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.



BLOCK PLAN 1/500



LOCATION PLAN 1/1250

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER

QUICKPLANS

jackbingham@btconnect.com

Tel: 07951 044 351

Job Title :

**PROPOSED CONSERVATORY AT
66 GLEN AVENUE
LARGS KA30 8QQ
FOR MR DOUGLAS HOWAT**

This is a true and exact copy of the plan referred to in my application.

Signed : Tom Callaghan Windows Dated : 03/01/18

**BLOCK & LOCATION
PLANS**

Drawing No.: 13720/G/PP/3

SCALE : AS SHOWN @ A4

DATE : 10/12/17

DRAWN :