
NORTH AYRSHIRE COUNCIL

3 November 2021

Local Review Body

Title: Notice of Review: 21/00419/PP 33 Blairlands Drive, Dalry

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 21/00419/PP, 33 Blairlands Drive, Dalry for the erection of an extension to the front of a semi-detached dwelling house at 33 Blairlands Drive, Dalry.

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; and
- Appendix 4 - Planning Decision Notice

- 2.4 The Notice of Review was considered at a meeting of the Local Review Body on 29 September 2021. The Local Review Body agreed to continue consideration of the Notice of Review pending a site familiarisation visit. Only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request.
- 2.5 A site visit took place on 19 October 2021 and was attended by Councillors Marshall, Barr, Clarkson, Larsen, McNicol and D. Reid.

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 No representations were received from interested parties or statutory consultees to the planning application and therefore no further consultation was required in terms of the Notice of Review.

Craig Hatton
Chief Executive

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

Background Papers

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Appendix 1

06.09.21

Department of Planning,
North Ayrshire Council,
Cunninghame House,
Irvine.

Dear Sir/Madam,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In support of a Notice of Review application for the above development please find enclosed:

- A) Notice of Review Application Form
- B) Supporting documents for Notice of Review Application

I trust the enclosed meets with your requirements and I await your response in due course.

Yours faithfully,



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR. & MRS.	Ref No.	
Forename	CRAIG	Forename	
Surname	LAWSON	Surname	
Company Name		Company Name	
Building No./Name	33	Building No./Name	
Address Line 1	BLAIRLANDS DRIVE	Address Line 1	
Address Line 2	DALRY	Address Line 2	
Town/City	NORTH AYRSHIRE	Town/City	
Postcode	KA24 4DH	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	NORTH AYRSHIRE COUNCIL		
Planning authority's application reference number	21/00419/PP		
Site address	33, BLAIRLANDS DRIVE, DALRY. KA24 4DH		
Description of proposed development	ALTERATIONS & EXTENSION TO FRONT OF DWELLING HOUSE.		

Date of application

05 | 05 | 2021

Date of decision (if any)

23 | 06 | 2021

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? - NO
- Is it possible for the site to be accessed safely, and without barriers to entry? - NO

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

ACCESS TO THE REAR OF 33, BLAIRCANOS DRIVE, IS ONLY VIA A LOCKED GATE TO THE SIDE.

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 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 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

- SUPPLEMENTARY DOCUMENT FOR SECTION 8 OF NOTICE OF REVIEW FORM.
- JUSTIFICATION STATEMENT AS SUBMITTED DURING APPLICATION PROCESS, INCLUDING THE LETTER OF SUPPORT FROM THE NEIGHBOUR.
- EXTRACTS FROM APPROVED APPLICATION 20/0040 PP.
- DRAWINGS AS SUBMITTED WITH OUR APPLICATION.

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:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

06.09.21

Dear Local Review Body,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In accordance with Section 8 of the Notice of Review, which requires a statement of why the review is being sought after, we would like to request that the following be taken into consideration in determining this application.

We believe that there are inconsistencies within the planning process which have been highlighted with this application. Prior to the submission of a formal planning application, we went through the process of pre-application discussions with North Ayrshire Council's planning department, in order to gauge if our proposal would likely be granted approval. We completed this process as we were aware that our proposal did not fall within permitted development rights.

Prior to making our pre-application enquiry, we had given extensive thought and consideration to an extension to the rear of our property but felt that this was not the best solution for our requirements. We felt the most beneficial place for our needs, was an extension to the front and this is what led us to making the pre-application enquiry.

For clarification, our reasons for requiring our proposal to the front were as follows;

- There is a public sewer in close proximity to the rear wall of our house and the cost of building over the sewer pipe wouldn't be necessary if the proposal was to the front.
- The floor level to ground level difference at the rear of the property is significantly greater than it is to the front, therefore an extension to the rear would involve a lot more underbuilding, again, a cost that we feel is unnecessary.
- Our rear garden is not very large and we have recently spent a great deal of finances and effort in upgrading our back door to a low maintenance garden. This included the installation of a decking / patio area as well as the addition of a small outbuilding to the side / rear of the property. We enclosed the whole garden with a wall to increase our own privacy and privacy to our neighbours. The additional footprint of an extension to the rear would furthermore reduce our private amenity space.

During our pre-application discussions, our enquiry was handled with by a different planning officer than the one who ended up handling our formal application. The planning officer in the pre-application discussions had suggested that we consider the proposal to the rear of the property, however, as we had already considered this, we put our reasons of why we wanted an extension to the front to the planning officer, we felt that they were accepted by him. In his final email to me, he stated that *'the proposed front extension would be relatively modest in size and would draw upon the existing characteristics of the main house and the surrounding properties'*, going on to say that *'it may be considered that whilst the extension would be widely visible, it would not give rise to any significant visual impacts to the area and would be acceptable.'*

The concern of the proximity of the proposal to the neighbouring property was initially raised during the pre-application discussions however, this was addressed by a reduction in the size of the proposed extension projecting from the front of the building. This resulted in the design as submitted for the formal application.

Once the formal application was submitted, a new planning officer was assigned to assess the application as submitted. The new planning officer raised the same issues as before however, he did not appear to be of the same opinion as that of the officer in the pre-application discussions. We were once again asked to consider an extension to the rear.

It is here that the inconsistencies in the planning process became apparent to us, as it would appear that there is a difference of opinion between the planning officer who handled the pre-application enquiry and the planning officer who handled the formal planning application. Two planning officers' looking at the same extension arrive at a different conclusion.

During the application period and after deliberations with the planning officer, a Justification Statement was prepared for the design proposal as it had been submitted. We feel that the Justification Statement has been misinterpreted, which in part, has perhaps contributed to the outcome of the application.

We received an email from the planning officer on the 14th May 2021, in which, he asked that we '*consider amending our proposal to provide a rear extension*', going on to state that our proposal '*would introduce an unexpected feature in the street that would also harm the amenity of our next door neighbour in terms of sunlight and daylight*'.

In the Report of Handling, the planning officer refers to the '*various front extension precedents*' in the wider area,' going on to state that '*of the 7 examples in the supporting statement 6 are significantly offset from the boundary*'. The 7 examples were not intended to be an argument against the Placemaking Policy, as we believe they have been taken as. The idea behind the 7 examples highlighted in the supporting statement was, to identify that there are properties in the immediate vicinity of the application site which have front extensions. This was to counter his previous comment made in his email of the 14th May 2021.

To our knowledge, the examples highlighted in the supporting statement all have obtained planning permission, some of which are/were the first in their respective streets to have front extensions.

We believe that the planning officer's main objection with our proposal, is the proximity of our proposed extension to the neighbouring properties front Lounge window. The neighbouring property is a handed version of our property, with a Lounge window to both front and rear elevations. Any shadowing caused by the proposed extension to the front, in our opinion, would be less significant than that of the same extension to the rear of the property due to the sun path, as an extension to the rear, would also give shadow over the rear Lounge window.

Our understanding of planning policies is that the rear of any property is deemed to be the private amenity space associated with the respective property. We have the luxury of having our private amenity space facing in a westerly direction, as do our neighbours, therefore, an extension on the North boundary to the rear (facing West) we feel would have a detrimental impact on the private amenity space to our neighbour. This was also a concern that our neighbour, Gordon, raised in his letter of support.

Having lived in this house for nearly 10 years now, we have very good knowledge of where we get the best of the sunshine when possible. The front of our house is orientated facing in a South Easterly direction, meaning that the best of the evening sunshine is on our back door, the private amenity space.

After the planning officer's suggestion of relocating the proposed extension to the rear during the application process, we had further discussions with our neighbour Gordon, however, both ourselves and our neighbour were not happy with this idea because we all believed that it would be more invasive on Gordon's privacy. This is why it's Gordon's preference to have the proposed extension to the front rather than to the rear and subsequently resulted in him writing his letter of support at this time.

On page 8 of the Justification Statement, there was reference to an application which had been submitted to North Ayrshire Council on 15th, January 2020 for the Erection of a Single Storey Extension to the Front of Terraced Dwelling House at 25, Cramond Place, Broomlands, Irvine. With a reference number of **20/00040/PP**. The aforementioned application was approved under delegated powers with no conditions attached on 7th February 2020.

Our reason for having mentioned this application was that there are, in our opinion, many common similarities between that application which was approved and our proposal which was still under consideration. We felt the similarities between the applications answered the issues raised in relation to the Placemaking Policy.

To clarify, the similarities between each application are as follows;

- Both applications are for an extension to the front of the dwelling
- Both properties have an adjoining neighbour to the North of the application site giving the same sun path
- Both proposed extensions are building up to their North boundary line
- Both properties front on to the public street
- Both properties lay within a street where there are no extensions to the front of any neighbouring properties, therefore making each one the first in the street to have such
- The building line of each property is in line with the attached neighbour to the North

Our proposal is no larger in scale, in fact it is smaller in all aspects. Comparing them both, the approved extension is projecting 4.5m from the front of the existing dwelling, our proposal is to project 2.43m, that's a difference of over 2m shorter than the approved. The approved extension is 4.5m wide, ours is 3.8m wide and the overall height of the approved extension (where adjoining the original dwelling) is 3.81m ours is proposed to be at 3.8m.

In the planning officer's Report of Handling for our application, there was no reference made to any of the obvious similarities between each of the applications, even though these were highlighted in the Justification Statement, does that mean that the planning officer does not consider there to be similarities?

The neighbouring property for the application for Cramond Place did not have a Lounge window within 600mm of the proposed extension, however, due to the sun path we believe that the area to the front, is the more frequently used space for sitting out to enjoy the sunshine, when they are given the opportunity to do so, therefore, in our opinion, the approved extension for Cramond place will have a more detrimental impact on the amenity of the neighbour to the North, than what our extension would have on our neighbour to the North because of the sun path.

The planning officer stated in the Report of Handling that *'Although the letter of support from the current occupier of the adjoining property is noted, the placemaking policy of the LDP requires proposals to respect the amenity of both existing and future users'*. During the mid 1900's the council, not just North Ayrshire but councils all over Scotland were building properties which have a porches to the front of the dwellings, these properties were built in a regularised fashion and not in a handed way.

This resulted in porches being less than 600mm from the neighbouring properties Lounge window. These dwellings were orientated in all directions resulting in porches being built on the North boundary with a Lounge window less than 600mm from the neighbours porch, the distance is most cases is nearer 200mm. The following photographs on the following pages, are examples of the property styles noted above.

Since then, private house builders have also been building new build properties with porches to the front, which are within close proximity to the neighbouring properties lounge window, as some of the examples in the following pages demonstrate.



Picture 01 – Blair Road, Dalry. These dwellings are facing North East.



Picture 02 – St. Brennans Court, Kilbirnie. These dwellings are facing East.



Picture 03 – Chapelhill Mount – Ardrossan. These dwellings are facing West.



Picture 04 – Dalry Road, Saltcoats. These dwellings are facing West.



Picture 05 – Dennyholm Wynd, Kilbirnie. These dwellings are facing East

The following street names are streets in the towns of Dalry and Kilbirnie which have properties built in this fashion, however, as mentioned previously, these house styles are repeated throughout Scotland;

Dalry;

Blair Road (the main road leading to Blairlands Drive), Kingsway, Reddance Terrace, Craig Avenue, Brodlie Drive, Wingfaulds Avenue.

Kilbirnie;

Place View, Ladeside Crescent, Hagthorn Avenue, Manuel Court, Avils Hill, Bathville Road, Garnock Court, Sunderland Court, St Brennans Court, Loadingbank, Briery Court, Loadingbank Court.

We appreciate that the styles of buildings highlighted on the preceding pages were done a long time ago and under different planning policies from which today's applications are subject to, however, our point is that, any existing or future user of these properties is well aware of the close proximity of the porch to the Lounge window to the front of the dwelling. If our proposal was approved then the neighbour at number 35, Blairlands Drive, current and future, would be no different from the thousands of home owners and tenants in these types of properties.

We respectfully request that all of the enclosed information is taken in to account during your deliberations and hope that your findings are in our favour.

Yours faithfully,

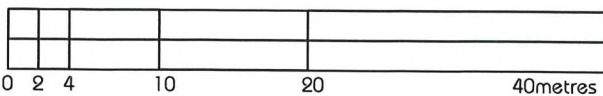
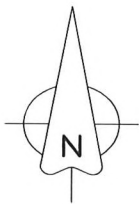
Mr. & Mrs. C. Lawson.



Location of proposed development.

Area of proposed extension shown hatched.

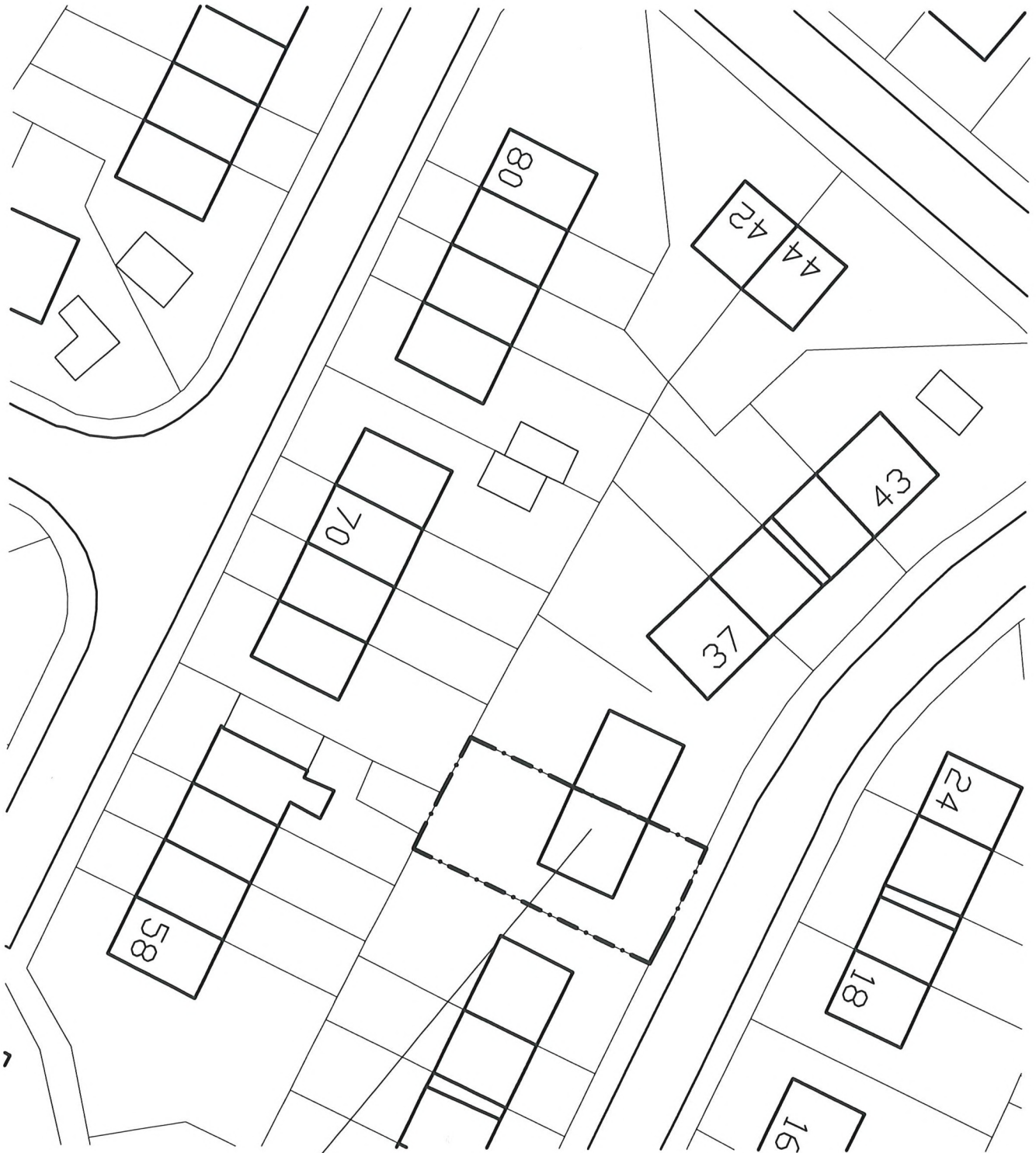
This is a true copy of the drawings referred to in the application.
Signature :



SCALE 1:500

Block Plan

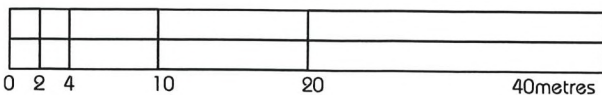
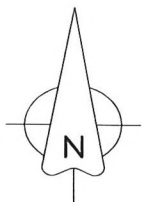
Client. Mr. & Mrs. C. Lawson.		Title. As Proposed	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH		Date. Apr. 21'	Drawing No. PL 01
		Scale. A4 @ 1:500	



Location of proposed development.

This is a true copy of the drawings referred to in the application.
Signature :

Block Plan



SCALE 1:500

Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry, KA24 4DH		Date. Mar. 21'	Drawing No. € 01
		Scale. A4 @ 1:500	

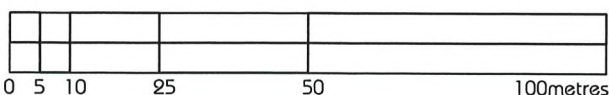
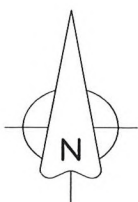
Location of proposed development.



Ordnance Survey (c) Crown Copyright 2012. All rights reserved. Licence number 100020449

This is a true copy of the drawings referred to in the application.
Signature :

Location Plan



SCALE 1:1250

Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH		Date. Mar. 21'	Drawing No. € 00
		Scale. A4 @ 1:1250	

**Justification Statement
&
Letter of Support**

02.06.21

Dear Marc,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In support of the recently submitted planning application with the above reference number and in response to your email dated 17/05/21 I would request that this justification statement be considered as part of the application.

As was previously mentioned there have been pre-application discussions carried out regarding the proposal with Mr. Joseph Thompson. There have been several emails sent between us regarding the design with changes being made as per comments received, eventually arriving at the design as submitted. In Mr. Thompson's final email he mentioned that *'it may be considered that whilst the extension would be widely visible, it would not give rise to any significant adverse visual impacts to the area and would be acceptable.'*

I do appreciate and understand that comments made during conversations carried out in pre-application discussions are all subject to a formal application being submitted and any final decisions are reserved for such.

In your email of the above date, to my understanding there are two main elements of the proposal that are of concern to yourself. Firstly, in your own words *'I find the proposal to be unacceptable in visual quality terms'*. I accept that this would be the first property in the street of Blairlands Drive with an extension to the front of the dwelling however, there are examples of the same in the immediate vicinity, please see 'Picture 1 and Picture 2' below.

Picture 1 – View looking East, North East from standing outside No. 37 Blairlands Drive, Dalry. As highlighted in the red circle you can see an extension to the front of No. 63, Stoopshill Crescent, Dalry.



Picture 2 – A view standing at the junction of Blairlands Drive and Stoopshill Crescent to the North of the application site. The application dwelling is in the yellow oval and in the red circle is a property with an extension to the front of similar scale to that of our proposal.



Stoopshill Crescent is the main link road in a horseshoe shape connecting East and West side of Blair Road around the North side, this is also part of the local bus route. Blairlands Drive, is a secondary road accessed only from Stoopshill Crescent therefore, I would say that properties on Stoopshill Crescent are in a more prominent location than those in Blairlands Drive given that they are part of the primary road system. These dwellings are subject to much more traffic and passing public than that of Blairlands Drive.

The pictures on the following pages are all examples of other extensions to the front of their respective dwellings in the local area to Blairlands Drive.



Picture 3 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 2 looking directly at the dwelling.

Here you can see the extension is larger than 50% of the total width of the original dwelling.



Picture 4 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 1 taken from a closer distance. This extension was finished to match the main part of the dwelling however, this has now since been changed leaving the extension with a timber clad finish, no longer matching the main dwelling.



Picture 5 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 1 & 4 taken from a different angle.



Picture 6 – Stoopshill Crescent, Dalry.

This extension formed with a flat roof and horizontal cladding stands out from the main dwelling in an unsympathetic way.

Granted permission in May 2019.



Picture 7 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 6 taken from a different angle.

Here you can see the extension is larger than 50% of the total width of the original dwelling.



Picture 8 – Stoopshill Crescent, Dalry.

This dwelling has been significantly altered from its original form, with the large storey and a half side extension helping to disguise the size of the extension to the front of the dwelling.

Granted permission in 2014.



Picture 9 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 8 taken from a different angle.

The front extension is finished with the same materials as the main dwelling and side extension.



Picture 10 – Blairlands Avenue, Dalry.

This dwelling is also located on the main link road off Blair Road and part of the local bus route, making it in a more prominent location than our house.

This extension is also built on the North boundary of the property shadowing the neighbouring entrance door.



Picture 11 – Cleeves Avenue, Dalry.

This extension to the front of the dwelling is done so to a property of the same style as ours, finished with materials to match the original dwelling.

Cleeves Avenue is a secondary road accessed only from Blairlands Avenue.

This is the only dwelling in the street with an extension to the front.



Picture 12 – Cleeves Avenue, Dalry.

This is the same extension as noted in Picture 11 taken from a different angle.



Picture 13 – Kerse Avenue, Dalry.

This is a large extension to the front and side of a dwelling granted permission in 2006, again, the extension is finished with materials to match the existing dwelling in a sympathetic manner.

Both of the existing extensions highlighted in Pictures 1, 2, 3, 4 and 5 are located within 70m of the application site. All other examples shown are within the general vicinity of Blairlands Drive as shown in the map extraction below in the green and yellow circles. The application site is outlined in red.



In the second element of your email, which I believe to be of concern to you about our proposal, is that upon your examination of the application as submitted you feel that the proposal *'would adversely affect the adjoining property in terms of sunlight and daylight, given that this property is located to the north of no. 33'* and your advice is to relocate the proposed extension to the side or rear of the property.

At this time, I would like to bring your attention to an application that was submitted to and approved by North Ayrshire Council last year, the application reference number is **20/00040/PP**.

This application was granted approval under delegated powers with no conditions attached and I believe the approved application bears a similar resemblance to our proposal, in the following manner:

- Both applications are for an extension to the front of the dwelling
- Both properties have an adjoining neighbour to the North of the application site giving the same sun path
- Both proposed extensions are building up to their North boundary line
- Both properties front on to the public street
- Both properties lay within a street where there are no extensions to the front of any neighbouring properties, therefore making each one the first in the street to have such
- The building line of each property is in line with the attached neighbour to the North

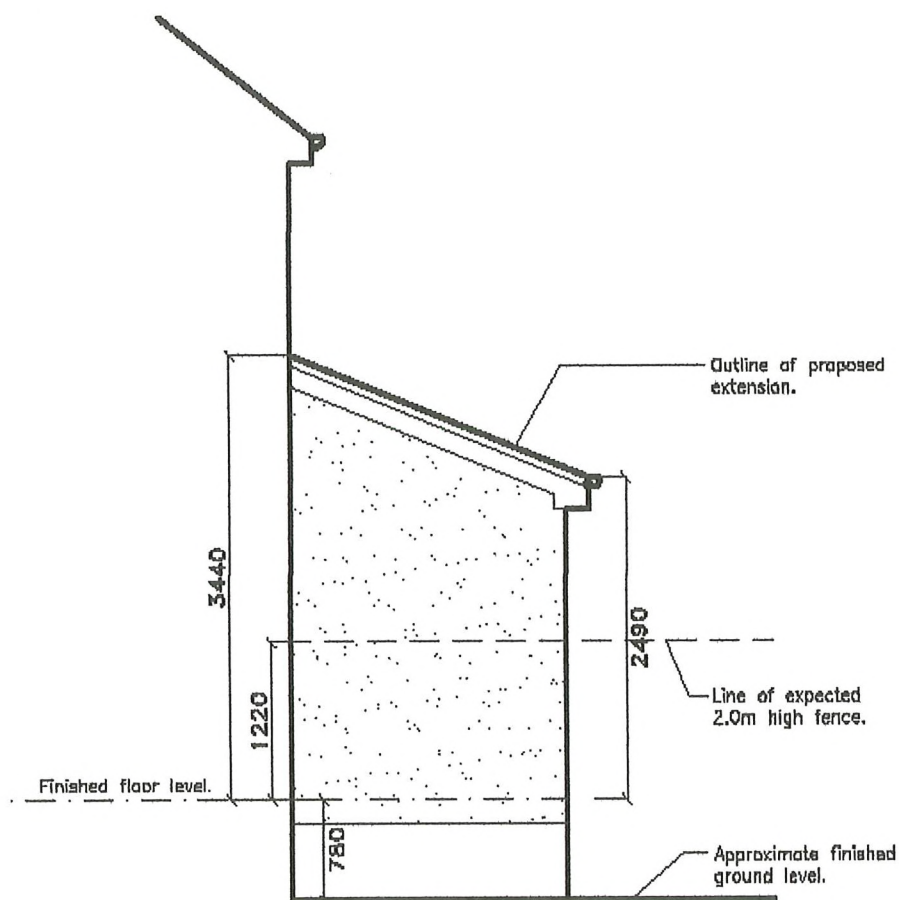
As far as differences between each application they are as follows;

- The street side of the approved application is to the West of the application site whereas our street is to the East
- The approved application is projecting 4.5m out from the front line of the existing dwelling, ours is 2.4m
- The highest point of our proposal is approximately 400mm below that of the approved application.

I believe that this is a very good example for comparison as the effects on the neighbouring properties are very similar. Given that the application noted above was granted approval without conditions under delegated powers, I question why our proposal is being scrutinised in such a way.

In your email, you also noted that 'An extension to the rear, where there is an expectation of 2.0m high boundary fence, would not have the same impact on the adjoining property in terms of sunlight and daylight'.

The existing finished ground level to the rear of the properties is approximately 780mm below the existing finished floor level of the dwelling, with both properties formed at the same level as each other. If there was a 2.0m high fence to the rear, then this would only be 1.220m above the finished floor level, however, if the same extension as submitted was relocated to the rear of the property, then the highest point of the extension would be 3.440m above finished floor level and the lowest point being 2.490m above, both of these heights are much greater than the 1.220m of an expected boundary fence. Please see diagram below showing the impact a proposed extension formed to the rear would have on the neighbouring property.



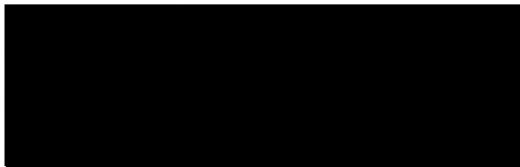
As the rear of the adjoining property is the best location for the evening sunlight and the 'private' amenity then a proposed extension located here, in my opinion would have a more adverse affect on the property than that of an extension to the front, as proposed.

We have spoken in great detail with our neighbour Gordon about the proposal submitted. Gordon has insisted that he has no issues with the proposed extension to the front and he has written his own letter of support for the proposed extension, which I enclose. I appreciate that Gordon is not the owner of the neighbouring property however as the present occupier, this proposal has the greatest impact on his amenity.

I have always believed that the planning process is very much a subjective / opinionated process however, the guidelines of the planning policies are set out with the aim of achieving a level of consistency throughout applications. As much as the example of the application 20/00040/PP is not located within the same town as our dwelling it is still within the same council district and has been approved against the same policies that apply to our proposal.

I hope that the enclosed information is given a fair assessment and that perhaps your current view on our proposal is altered to a more favourable outlook for the application that we have submitted.

Yours faithfully,



Mr. & Mrs. C. Lawson.

Marc Miller
Assistant Planning Officer
Planning Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Mr Gordon Harkins
35 Blairlands Drive
Dalry
KA24 4DH

Planning Ref: 21/00419/PP

**Proposed Alterations & Extension to Front of Dwelling House at:
33 Blairlands Drive, Dalry, KA24 4DH
Mr & Mrs. C Lawson**

Dear Marc,

I am writing to you in support of the planning application listed above as the current occupant of the neighbouring adjoining house to which this application applies.

I have received my notice from the local planning authority regarding the proposed changes to the property next door belonging to my neighbours Mr & Mrs Lawson, and I have no objections to the proposed design, layout, or location shown in the proposal.

The proposed extension is a single story, and relatively small in size – similar to other extensions in the local area situated at the front of properties.

I have spoken to my neighbour Mr Craig Lawson in detail regarding the proposed extension and he has notified me of your concerns regarding the application. I agree with my neighbour Craig that an extension to the back would not be possible as the drop in floor level would make an extension to the back of his property extremely high – possibly blocking natural light to the back of my property which is South facing and in the natural sun path.

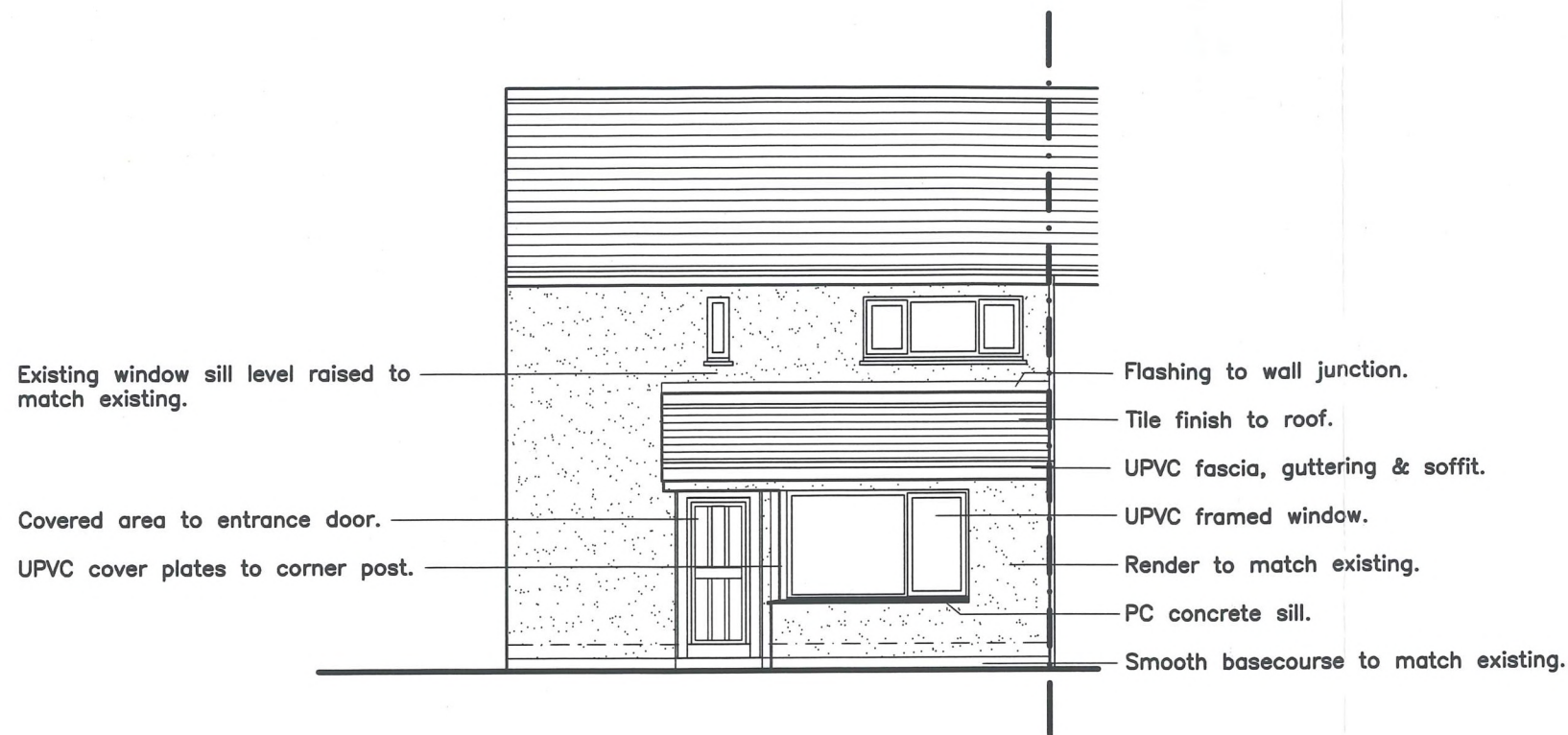
I also agree with Mr Craig Lawson that the current proposed design for the extension to the front is also in keeping with the aesthetic of the area, and similar to other extensions to the front of properties in neighbouring streets.

I wish to support the aforementioned application on the following grounds:

1. No loss of natural light to the front of my property.
2. The loss of natural light to the back of my property (if proposal is changed to the back as you requested)
3. The loss of privacy to the back of my property (if proposal is changed to the back as you requested)
4. The extension is small, in-keeping with the surrounding area, and finished to a high quality.

Kind Regards,

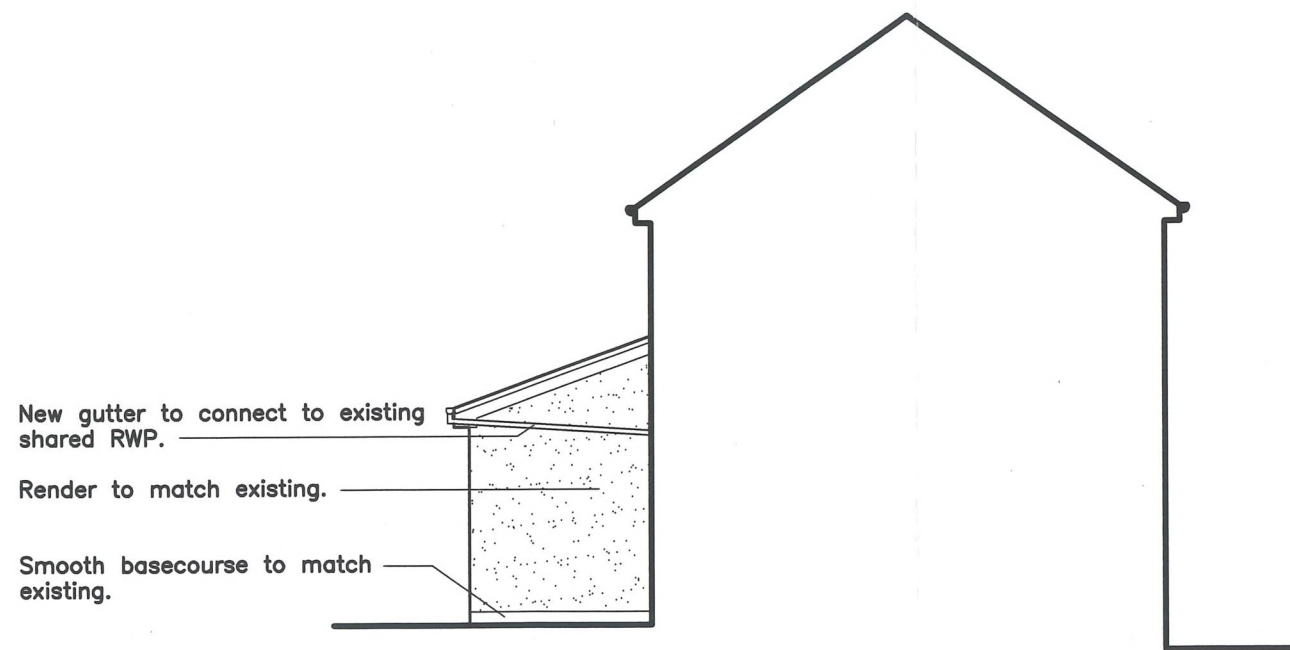

Mr Gordon Harkins



South East

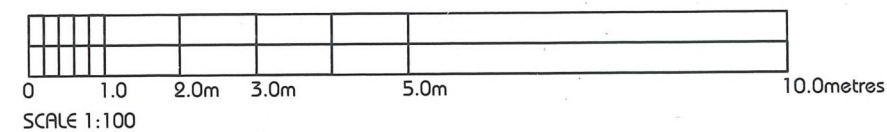


South West



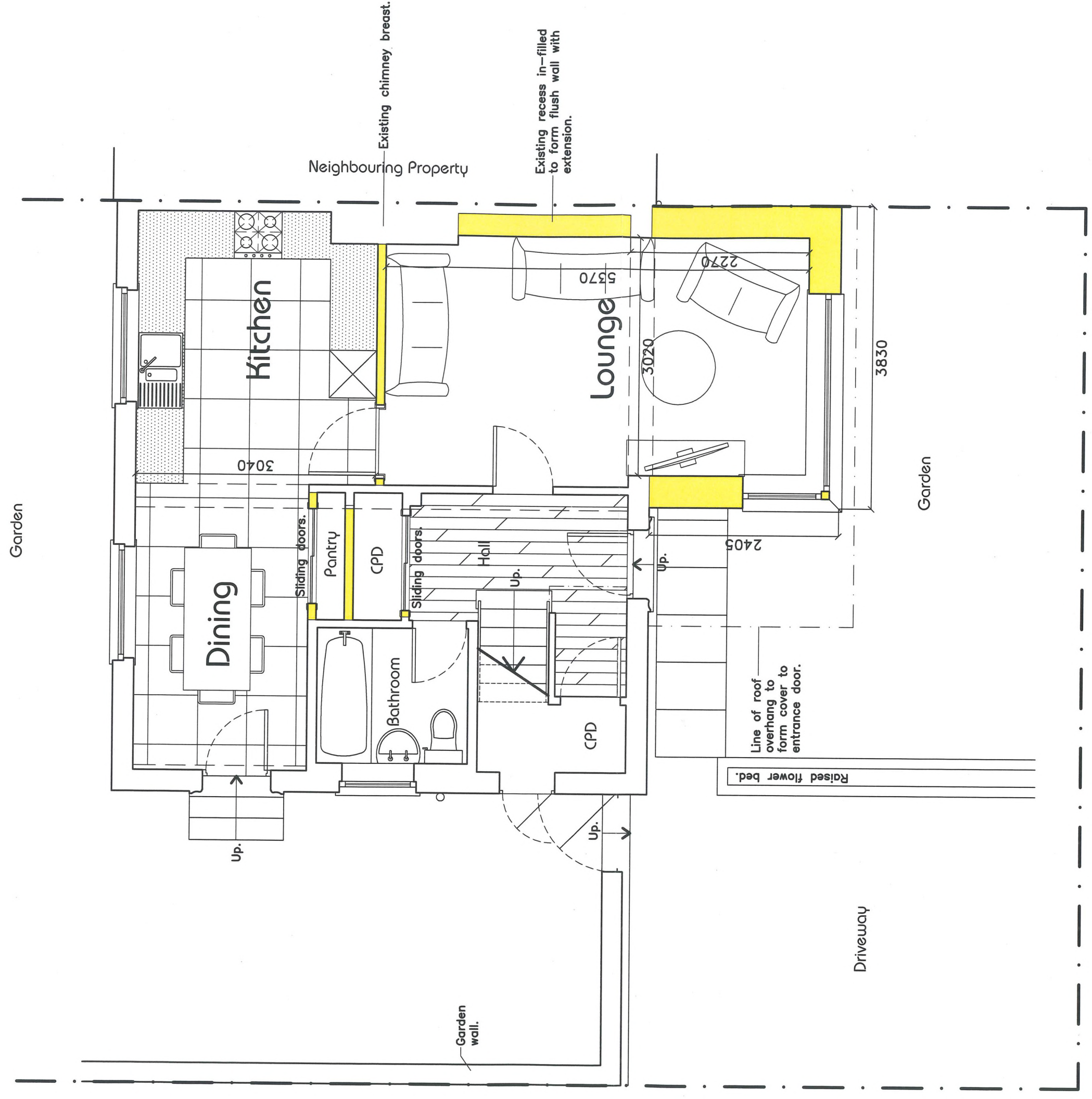
North East

This is a true copy of the drawings referred to in the application.
Signature :



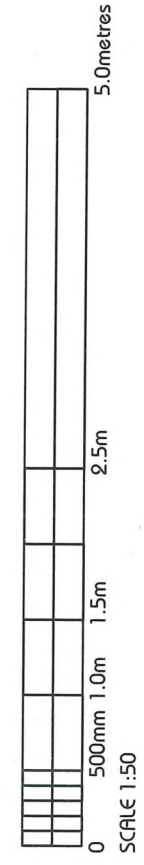
Elevations

Client. Mr. & Mrs. C. Lawson.	Title. As Proposed	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Date. Apr. 21'	Drawing No. PL 03
	Scale. A3 @ 1:100	



Pavement

This is a true copy of the drawings referred to in the application.
Signature :



Ground Floor Plan

Client. Mr. & Mrs. C. Lawson. Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. HA24 4DH	Title. As Proposed	Drawing No. PL 02
	Date. Apr. 21'	Scale. A3 @ 1:50

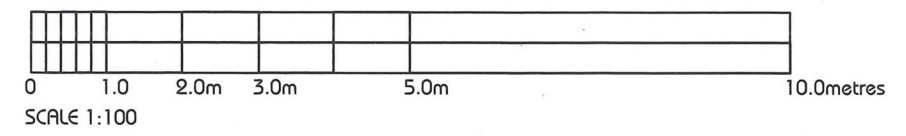


South East



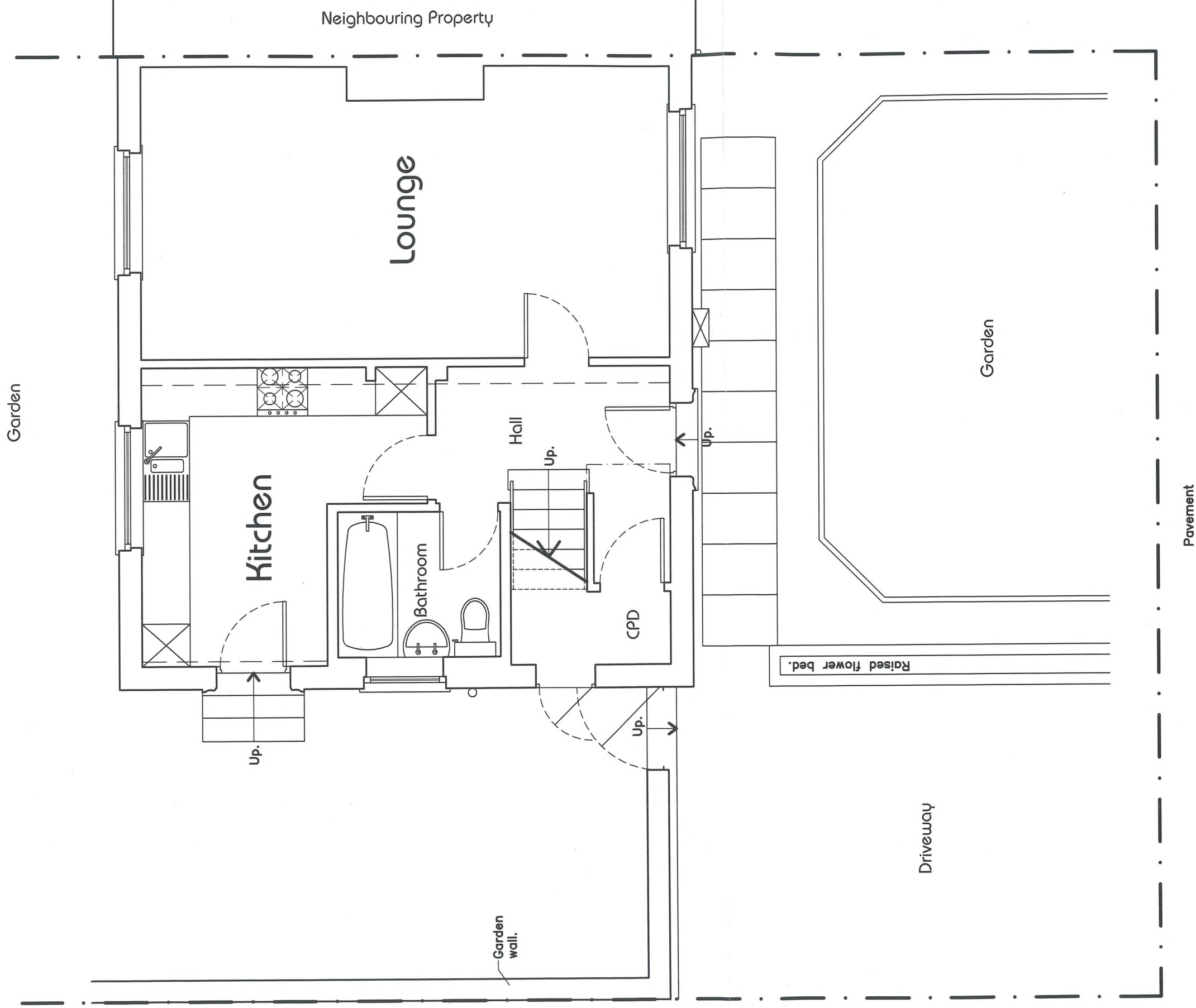
South West

This is a true copy of the drawings referred to in the application.
Signature :

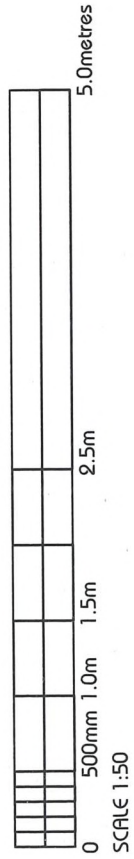


Elevations

Client. Mr. & Mrs. C. Lawson.	Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Date. Mar. 21'	Drawing No. € 03
	Scale. A3 @ 1:100	



This is a true copy of the drawings referred to in the application.
Signature :



Ground Floor Plan

Client. Mr. & Mrs. C. Lawson. Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Title. As Existing	
	Date. Mar. 21'	Drawing No. € 02
	Scale. A3 @ 1:50	

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Block Plan / Site Plan	E 01	
Existing Floor Plans	E 02	
Existing Elevations	E 03	
Proposed Plan	PL 01	
Proposed Floor Plans	PL 02	
Proposed Elevations	PL 03	

**Approved Planning
Application**

Ref : 20/00040/PP

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 20/00040/PP
Proposal: Erection of single storey extension to front of terraced dwellinghouse
Location: 25 Cramond Place, Broomlands, Irvine, Ayrshire KA11 1HD

LDP Allocation: General Urban Area
LDP Policies: SP1 - Towns and Villages Objective / Strategic Policy 2 /

Consultations: None Undertaken
Neighbour Notification: Neighbour Notification carried out on 15.01.2020
Neighbour Notification expired on 05.02.2020

Advert: Not Advertised

Previous Applications: None

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - Towns and Villages Objective
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
 - b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
 - c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
 - d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
 - f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

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

This application seeks planning permission for the erection of a single storey extension to the front of a terraced dwellinghouse. The extension would measure 4.5m x 4.5m on plan, with a footprint of approx. 20.25sqm, and would provide a new bedroom. The proposal would include a mono-pitched roof, measuring approx. 3.81m to the highest point and 2.807m high to the eaves. There would be a bedroom window to the front elevation and a door to the south side elevation. Materials would consist of concrete roof tiles, colour to match with existing roof; white upvc fascia, verge and soffit boards; upvc windows and doors; smooth cement render finish to door and window ingoos; and render and facing brick basecourse to external walls, to match with the existing house.

The application site is located at 25 Cramond Place, Broomlands, Irvine. The existing building is a mid-terraced two storey dwellinghouse. The terraced row within which the property is located has a staggered building line. The existing site boundary treatments consist of an approx. 1m high timber fence to the front of the

property. There is no parking or driveway within the curtilage of the site. There are residential properties to all side of the application site.

The application site is allocated as general urban area in the Adopted Local Development Plan (LDP) and therefore the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. All applications for planning permission require to be assessed against Strategic Policy 2 (Placemaking).

Consultations and Representations

Neighbour notification was carried out for this application in accordance with statutory procedures. No representations were received in response to the application. No consultations required to be undertaken.

Analysis

The erection of an extension to a domestic dwellinghouse does not raise any land use policy implications and would be acceptable in principle in terms of the Towns and Villages Objective of LDP Strategic Policy 1 (Spatial Strategy). The application requires to be assessed against Strategic Policy 2 (Placemaking) which identifies certain qualities of a successful place which all applications for planning permission are expected to meet.

Though located to the front of the dwellinghouse, and visible from public viewpoints on Cramond Place, the proposed extension would be relatively modest in size and form. Its design would draw upon existing characteristics of the house and the neighbouring houses, including the mono-pitched roof and external finishes. The extension would project 4.5m from the existing front elevation. However, given the staggered building line of the terraced row, it is not considered that the proposal would have an adverse impact on the visual amenity of the terraced row and surrounding area. The proposed windows and door would open and look out onto the applicant's own garden ground and Cramond Place and would replace existing openings to the front elevation. As such, the proposal would not give rise to any additional or significant privacy issues to neighbours. Similarly, given its orientation and modest height, there would not be any sunlight/daylight impacts. There would be no impact on parking provision for the house, since there is no driveway to the front. Therefore, it is considered that the proposal would not have an adverse impact on the site or surrounding area and respects the amenity of existing and future users, meeting the relevant criteria of a successful place as identified in Strategic Policy 2 (Placemaking).

Based on the above observations, the proposal complies with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be granted.

Decision

Approved with no Conditions

Case Officer - Mr Joe Thompson

20/00040/PP

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Full Layout - Existing and Proposed	CHAMBERS 1949 - 01	
Location Plan	CHAMBERS 1949 - loc	

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/00419/PP
Proposal:	Erection of extension to front of semi-detached dwelling house
Location:	33 Blairlands Drive, Dalry, Ayrshire, KA24 4DH
LDP Allocation:	General Urban Area
LDP Policies:	Strategic Policy 2 /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 07.05.2021 Neighbour Notification expired on 28.05.2021
Advert:	Not Advertised
Previous Applications:	None
Appeal History Of Site:	None

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

Planning permission is sought for the erection of a single-storey extension to the front of the semi-detached house at 33 Blairlands Drive, Dalry. The extension would enlarge the living room of the property and would facilitate the reconfiguration of the existing ground floor layout.

The house at no. 33 was built in the 1950s by the local authority. Properties of a similar age and style are found elsewhere on Blairlands Drive and on the surrounding streets. The house at no. 33 has not been extended in the past.

On plan form, the proposed extension would project from the from the front elevation of the existing house by around 2.4m and would be around 3.8m in width. A mono-pitched roof with side facing half gables is proposed. The extension would have an eaves height of around 2.9m and would be around 3.8m high at the junction of the proposed roof and the front elevation of the existing dwellinghouse.

The roof would project from the southwest side wall of the proposed extension to provide a roof covering over the dwellinghouse's main entranceway. The other side elevation would be positioned on the shared side garden boundary with the adjoining property to the northeast.

Given the proximity of the side of the extension to the living room window of the adjoining property, amendments to the scheme were sought by the case officer to mitigate the impact on existing and of future users in terms of sunlight and daylight. In response to the suggested amendments, the applicant decided to retain the original details and submitted a supporting statement to justify the proposal as originally designed.

External finishes would consist of rendered walls above a smooth base course to match the finish of the existing dwellinghouse, a tiled roof covering of an unspecified finish, and a uPVC frames to a the proposed front and side facing windows.

In terms of the adopted Local Development Plan (LDP), the site is located within an area that is allocated as a General Urban Area. Strategic Policy 1 (Towns and Villages objective) applies to development in built up areas. The application requires to be considered in terms of the Placemaking Policy of the LDP (Strategic Policy 2).

Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures and no consultations were required to be carried out.

No representations were received in response to the neighbour notifications but the applicant enclosed a letter of support from the present occupant of the adjoining property with their supporting statement.

Response: The letter of support is noted.

Analysis

As noted above, the application site is located within a General Urban area as defined by the adopted LDP. In principle, the extension of an existing residential property is acceptable and raises no land use policy issues in relation to the Towns and Villages Objective of Strategic Policy 1 providing that the detail of the application is considered to acceptably meet the terms of Strategic Policy 2 (Placemaking Policy).

The stated purpose of the Placemaking Policy in the LDP is to ensure "all development contributes to making quality places". It goes on to state "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Of the six qualities of a successful place, those most relevant to this proposal are limited to 'safe and pleasant' and 'adaptable'.

The proposal would enlarge the main living space of the application property via a front extension, which would have a side elevation on the shared boundary with the adjoining property to the northeast. As the outlook from the proposed window and door openings would be over Blairlands Drive and the public elevations of nearby residential properties, the proposal would be acceptable in terms of privacy.

Given the aspect of the extension and because its side wall would be around 0.6m from the edge of the adjoining property's living room window, it is considered that the proposal would introduce a notable overshadowing effect on the nearby neighbouring window. Consequently, the proposal is considered to unacceptably respect the amenity of existing and future users of the adjoining property in terms of sunlight and daylight. Although the letter of support from the current occupier of the adjoining property is noted, the placemaking policy of the LDP requires proposals to respect the amenity of both existing and future users.

While the applicant's supporting statement makes reference to various front extension 'precedents' in the wider area, this planning application is required to be determined on its own merits in relation to the policy requirements of the adopted Local Development Plan. Past examples, such as those shown in the applicant's supporting statement, can be helpful to those devising a proposal as they show how others have sought to address the policy requirements of the time. These examples, however, do not act as a template for future development.

Notwithstanding the above, of the 7 examples of front extensions shown in the applicant's supporting statement, 6 are significantly offset from the boundary of an adjoining property. The one example that has a side elevation on a shared property boundary is a modestly sized front porch extension.

In terms of visual quality, while the external finishes are likely to be acceptable, the front extension would result in an unbalanced appearance to the semi-detached block and would not therefore accord with the requirements of Strategic Policy 2 for a proposal to promote visual quality. Given all of the above, it is considered that the siting and design of the proposed extension would have an unacceptable impact on the 'safe and pleasant' character of the surrounding area.

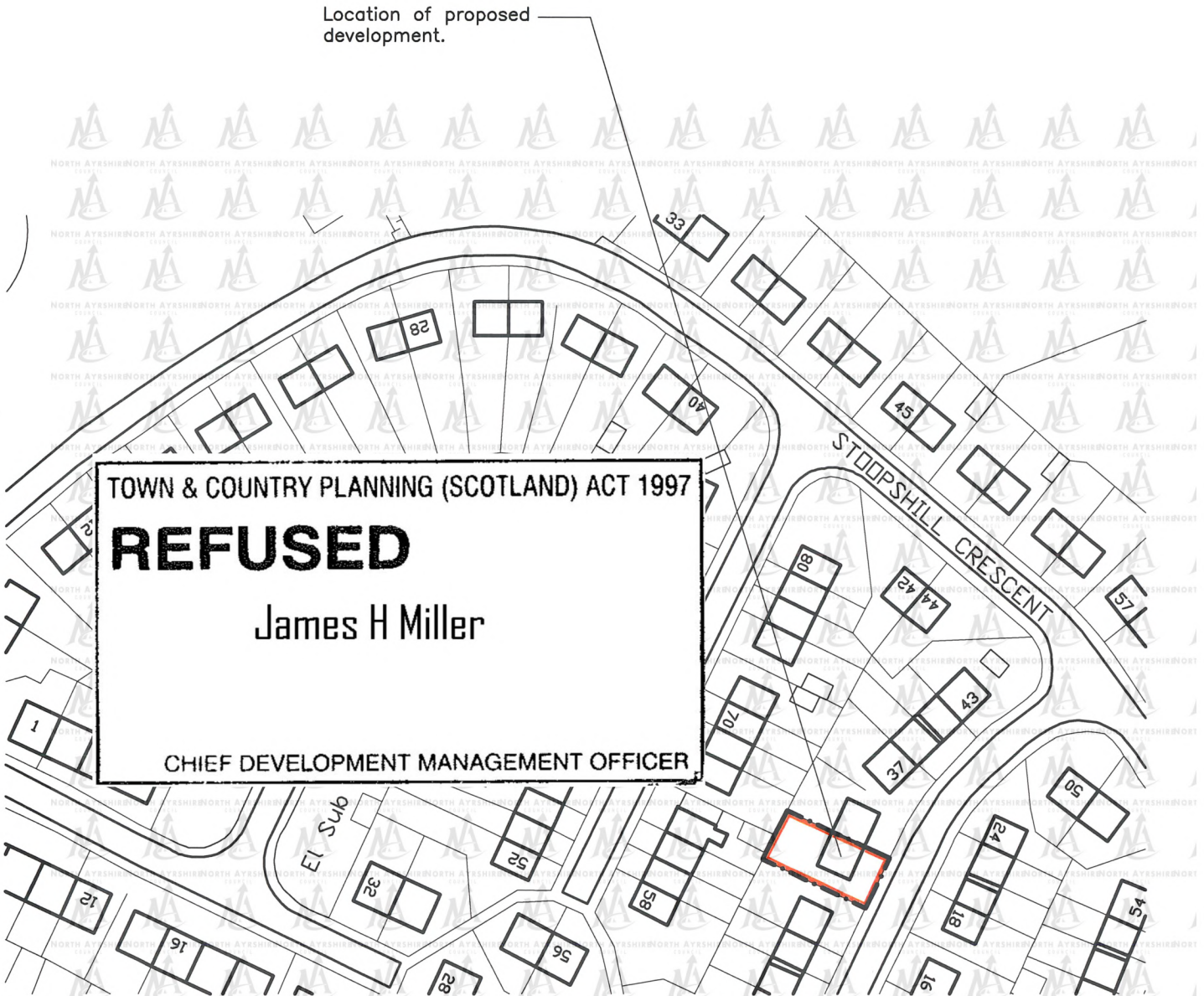
While the proposal indicates that the application property is 'adaptable' to the changing needs of its occupants, the proposed extension is considered to harm the original design character of this 1950s semi-detached house within a street of similar properties. The proposal is considered to be contrary to the requirements of the Strategic Policy 1 (the Spatial Strategy) and Strategic Policy 2 (the Placemaking Policy) of the LDP. There are no other material considerations. As such, planning permission should be refused.

Decision

Refused

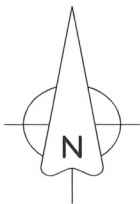
Case Officer - Mr Marc Miller

Location of proposed development.

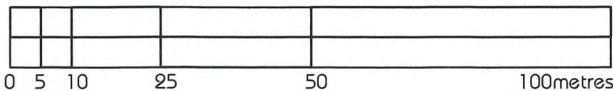


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This is a true copy of the drawings referred to in the application.
Signature : [REDACTED]



Location Plan



SCALE 1:1250

Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry, KA24 4DH		Date. Mar. 21'	Drawing No. € 00
		Scale. A4 @ 1:1250	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/21/00419/PP

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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 C Lawson
33 Blairlands Drive
Dalry
Ayrshire
KA24 4DH

With reference to your application received on 5 May 2021 for planning permission under the above mentioned Acts and Orders for :-

Erection of extension to front of semi-detached dwelling house

at 33 Blairlands Drive
Dalry
Ayrshire
KA24 4DH

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 proposed extension to the front of the dwellinghouse would be contrary to the Strategic Policy 2 (the Placemaking Policy) of the adopted North Ayrshire Local Development Plan. Due to its siting, scale and design, the proposed extension would have an adverse visual impact on front of the house and on the nearby streetscene. In addition, the extension would have an adverse impact on the adjoining house due to its position on the mutual boundary and proximity to the neighbouring ground floor front window.

Dated this : 23 June 2021



.....
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.