

**THIS PAPER RELATES  
TO ITEM 3 (f)  
ON THE AGENDA**

**Interested Party Representation**

**Mr A Ferguson**

**14/00260/FULL**





Alun  
23/03/2015 11:37

To "lrb@clacks.gov.uk" <lrb@clacks.gov.uk>  
cc  
bcc  
Subject Fwd: REVIEW OF PLANNING APPLICATION -  
14/00260/FULL

History: This message has been replied to and forwarded.

Dear Mr Easton,

**REF: REVIEW OF PLANNING APPLICATION (14/00260/FULL)**

I reside at 15 Swinburne Drive and I am writing to ask that the Review Body sustain the decision by Clackmannanshire Council to **refuse** planning application 14/00260/FULL.

The following are my further representations relevant to the review of planning application 14/00260/FULL:

I. The proposed balcony does not meet the requirements of **Policy RES12** of the Clackmannanshire Local Plan, in that the height of the balcony above ground level, combined with the difference in ground levels between said property and my own, coupled with the close proximity of the balcony to the boundary of my own property would adversely impact the level of privacy which I currently enjoy in my home and garden.

II. The proposed balcony fails to comply with the criteria of **Policy SC8** of the Clackmannanshire Local Plan in that the combined height of the balcony coupled with the differences in ground levels between my own property and the appellants property and the close proximity of the balcony to the boundary of my property would adversely impact upon the privacy/residential amenity of my home and especially my garden.

III. The siting/design of the proposed balcony would not provide my home/garden with acceptable levels of privacy, especially with regard to my right to be able to enjoy the amenity areas of my garden. Accordingly, I ask that the Council also considers its responsibilities in relation to the Human Rights Act 1998, specifically Article 8 (Part 1) and Article 1 (Part 2).

IV. The appellant has stated in his representations that the balcony is needed so that he and his wife can access and enjoy their garden and that it will allow them to maintain a clear view over the valley from their lounge/dining room.

**My Response:** Mr & Mrs Holley won't be able to access/enjoy their garden

from the proposed balcony as it will sit several metres above their garden and the design of the balcony does not afford any direct access to their garden. Also, the appellant states that he and his wife already have a clear view over the valley from their lounge/dining room; therefore, I don't see how he can argue that the proposed balcony would enable him to maintain this view.

Furthermore, the appellant has previously indicated that the main purpose of the proposed balcony was to provide outside views across the valley (Planning Doc. 5571778). In his representations, the appellant has clearly stated that he and his wife already have a view over the valley from their lounge/dining room. Thus, I can't see any need for a balcony; surely, if they want an outside view they can quite easily use the large raised paved/decked area to the side of their house for this purpose.

Regarding the appellant's reference to Planning Application 09/00075/FULL, I'd like to point out that his application bears no similarity to the appellants in relation to privacy. When 09/00075/FULL was submitted, the property to which it relates (61, The Hennings) did not directly overlook any other properties as the area was a vacant plot of land. Accordingly, it could not impact upon the privacy of any other properties.

Additionally, in his summary the appellant states: *"If Clackmannanshire Council had used policy SC 8 recommendations (minimum garden depth 9m will normally be required) when passing the planning permission for Swinburne Drive then my application would have been passed."*

**My Response:** SC 8 of Clackmannanshire's Local Plan states that *"Layouts should avoid standardised garden sizes and layouts to provide diversity and variation, enhance privacy and avoid unacceptable overshadowing of houses and/or their private open space or gardens."* Therefore, the appellant's balcony would not meet the criteria of SC 8 as it would adversely impact upon the privacy of my own and neighbouring properties.

Regarding the dimensions of the proposed balcony, if, as the appellant states, the main purpose of the balcony is to allow him and his wife to "access and enjoy their garden" and to "maintain a view" then I do not believe that a balcony of such large proportions (8.5m x 2.75m x 4.6m) is necessary for such a purpose.

I am more than happy for the Review Body to visit my home to verify that my comments are valid.

Finally, as above, I request that the Review Body sustain the decision by Clackmannanshire Council to **refuse** Planning Application 14/00260/FULL.

Yours Sincerely;

Alun Ferguson.