



**Clackmannanshire  
Council**

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

**Kilncraigs, Alloa, Scotland, FK10 1EB (Tel.01259-450000)**

## **LOCAL REVIEW BODY**

**Thursday 19 November 2015 at 2.30 pm**

**This follows accompanied site visits to 24 Blairdenon Drive, Sauchie and to 15 and 17 Swinburne Drive, Sauchie, which will be held from 1.30 pm on Thursday 19 November 2015.**

**Venue: Council Chamber, Patons Building, Kilncraigs,  
Alloa, FK10 1EB**

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For further information contact Strategy and Customer Services, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB  
Phone: 01259 452106/2004 Fax: 01259 452230 E-mail: [customerservice@clacks.gov.uk](mailto:customerservice@clacks.gov.uk) [www.clacksweb.org.uk](http://www.clacksweb.org.uk)

Date	Time
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**Scheme of Delegation: Duties and Responsibilities Delegated to Committees**

**Local Review Body**

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

**11 November 2015**

**A MEETING of the LOCAL REVIEW BODY will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 19 NOVEMBER 2015 at 2.30 pm.**

**This follows accompanied site visits to 24 Blairdenon Drive, Sauchie and to 15 and 17 Swinburne Drive, Sauchie, which will be held from 1.30 pm on THURSDAY 19 NOVEMBER 2015.**

**STUART MCQUEEN  
Solicitor, Legal Services**

**B U S I N E S S**

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1. Proposal for a Convenor	--
2. Apologies	--
3. Declarations of Interest Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
4. Notice of Review - Proposed erection of first floor balcony at 24 Blairdenon Drive, Sauchie, FK10 3JL (Planning Application Reference 15/00115/FULL)  Applicant: Mr W Holley Agent: John Gordon Associates Limited Site: 24 Blairdenon Drive, Sauchie, FK10 3JL	
a. Application for Notice of Review	05
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g. Response from Mr W Holley (Applicant) to the Interested Party Representations	45

**Page No.**

5. Notice of Review - Proposed demolition of existing stables building and proposed erection of new build dwelling house and associated driveway and ground works at Balquharn Stables, Back Road, Alva, FK12 5LH (Planning Application Reference 15/00159/FULL) - to consider the proposed order of proceedings attached. 49

Applicant: Mr J Marshall

Agent: Miss Alexandra Croll, Bobby Halliday Architects

Site: Balquharn Stables, Back Road, Alva, FK12 5LH

**Members of the Local Review Body:**

Councillor Kathleen Martin

Councillor Bobby McGill

Councillor Kenneth Earle

Councillor Les Sharp

In the absence of the Convenor, the Chair will be appointed at the meeting.

Plans and papers relating to the applications and reviews can be viewed online at [www.clacksweb.org.uk/eplanning](http://www.clacksweb.org.uk/eplanning)

**THIS PAPER RELATES  
TO ITEM 4 (a)  
ON THE AGENDA**

**Application for Notice of Review  
Erection of First Floor Balcony  
at 24 Blairdenon Drive, Sauchie  
15/00115/FULL**





Kilncraigs Greenside Street Alloa FK10 1EB

Tel: 01259 450 000

Fax: 01259 217 451

Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE                      000106339-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: \*

Last Name: \*

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

You must enter a Building Name or Number, or both:\*

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="W"/>
Last Name: *	<input type="text" value="Holley"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="24"/>
Address 1 (Street): *	<input type="text" value="Blairdenon Drive"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Sauchie"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="FK10 3JL"/>

## Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="24 BLAIRDENON DRIVE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="SAUCHIE"/>	Town/City/Settlement:	<input type="text" value="ALLOA"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="FK10 3JL"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="694451"/>	Easting	<input type="text" value="289036"/>
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## Description of the Proposal

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



## Type of Application

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

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

THIS WAS A SECOND APPLICATION FOLLOWING A PREVIOUS RERFUSAL NOTICE.THE PROPOSALS WERE ALTERED TO HAVE AS MINIMUM AN IMPACT ON NEIGHBOURING PROPERTIES AS POSSIBLE WHILST PROVIDING THE APPLICANT WITH A USEABLE BALCONY.OBSCURED/TINTED GLAZING WAS ALSO SPECIFIED TO LESSEN THE EFFECT OF OVERLOOKING INTO THE REAR GARDENS.DUE TO THE LOCATION OF THE EXISTING PROPERTIES THE APPLICANTS HOUSE ALREADY OVERLOOKS MANY PROPERTIES TO THE REAR & WE FEEL THE REVISED PROPOSALS ARE WELL JUSTIFIED/COMPROMISED

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

Yes  No

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

APPLICATION DRAWINGS  
APPLICATION FORM  
REFUSAL NOTICE

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00115/FUL

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

22/05/15

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

17/07/15

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Yes  No

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

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

Yes  No

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

Yes  No

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

## Checklist - Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

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

Declaration Name: John Gordon

Declaration Date: 09/09/2015

Submission Date: 09/09/2015

**THIS PAPER RELATES  
TO ITEM 4 (b)  
ON THE AGENDA**

**Planning Application**

**15/00115/FULL**





Kilncraigs Greenside Street Alloa FK10 1EB

Tel: 01259 450 000

Fax: 01259 217 451

Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE                      000106339-003

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

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Erection of a balcony to rear of dwelling

Has the work already been started and/or completed? \*

No    Yes - Started    Yes - Completed

## Applicant or Agent Details

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

Applicant    Agent

## Agent Details

Please enter Agent details

Company/Organisation:	John Gordon Associates Ltd.
Ref. Number:	
First Name: *	John
Last Name: *	Gordon
Telephone Number: *	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	3
Address 1 (Street): *	Dean Acres
Address 2:	Comrie
Town/City: *	Dunfermline
Country: *	UK
Postcode: *	KY12 9XS

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	W
Last Name: *	Holley
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	24
Address 1 (Street): *	Blairdenon Drive
Address 2:	
Town/City: *	Sauchie
Country: *	UK
Postcode: *	FK10 3JL

## Site Address Details

Planning Authority:

Clackmannanshire Council

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

Address 1:

24 BLAIRDENON DRIVE

Address 5:

Address 2:

SAUCHIE

Town/City/Settlement:

ALLOA

Address 3:

Post Code:

FK10 3JL

Address 4:

Please identify/describe the location of the site or sites.

Northing

694451

Easting

289036

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (Max 500 characters)

VARIOUS DISCUSSIONS REGARDING THE PROPOSALS

Title:

Mr

Other title:

First Name:

M

Last Name:

STODDART

Correspondence Reference Number:

Date (dd/mm/yyyy):

21/05/15

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: John Gordon

On behalf of: Mr W Holley

Date: 22/05/2015

Please tick here to certify this Certificate. \*



## Checklist - Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and proposed elevations.
- Existing and Proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. \*  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

## Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: John Gordon

Declaration Date: 22/05/2015

Submission Date: 22/05/2015

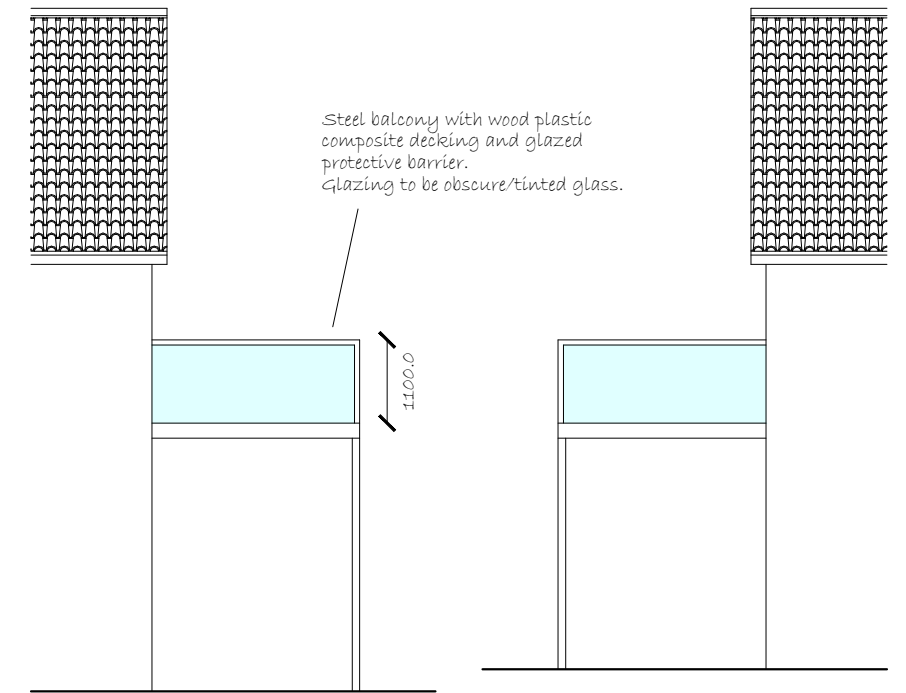




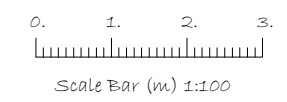
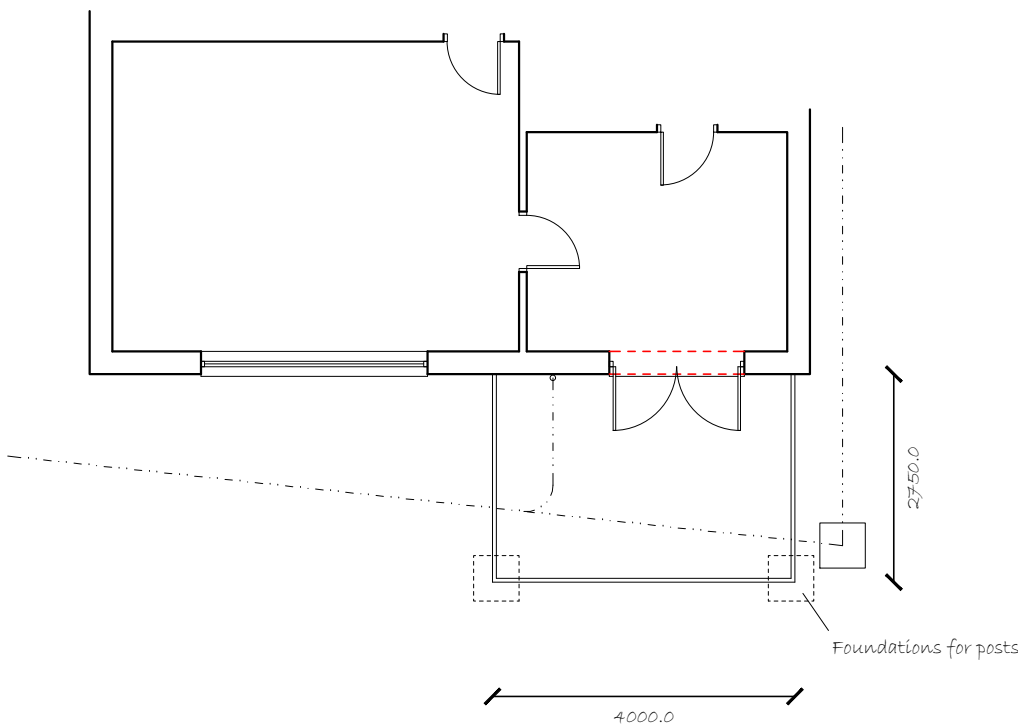
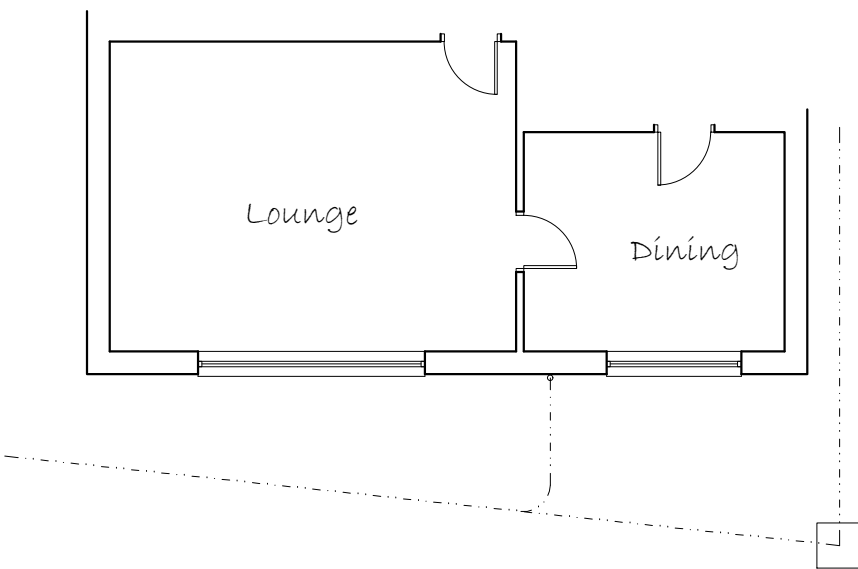
Rear Elevation As Existing



As Proposed



Side Elevations As Proposed




Mr. & Mrs. Holley,  
24 Blairdenon Drive,  
Alloa. FK10 3JL.

Proposed Balcony

Scale: 1:100                      4/12/14

Ref: WLH/1B



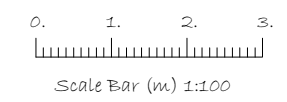
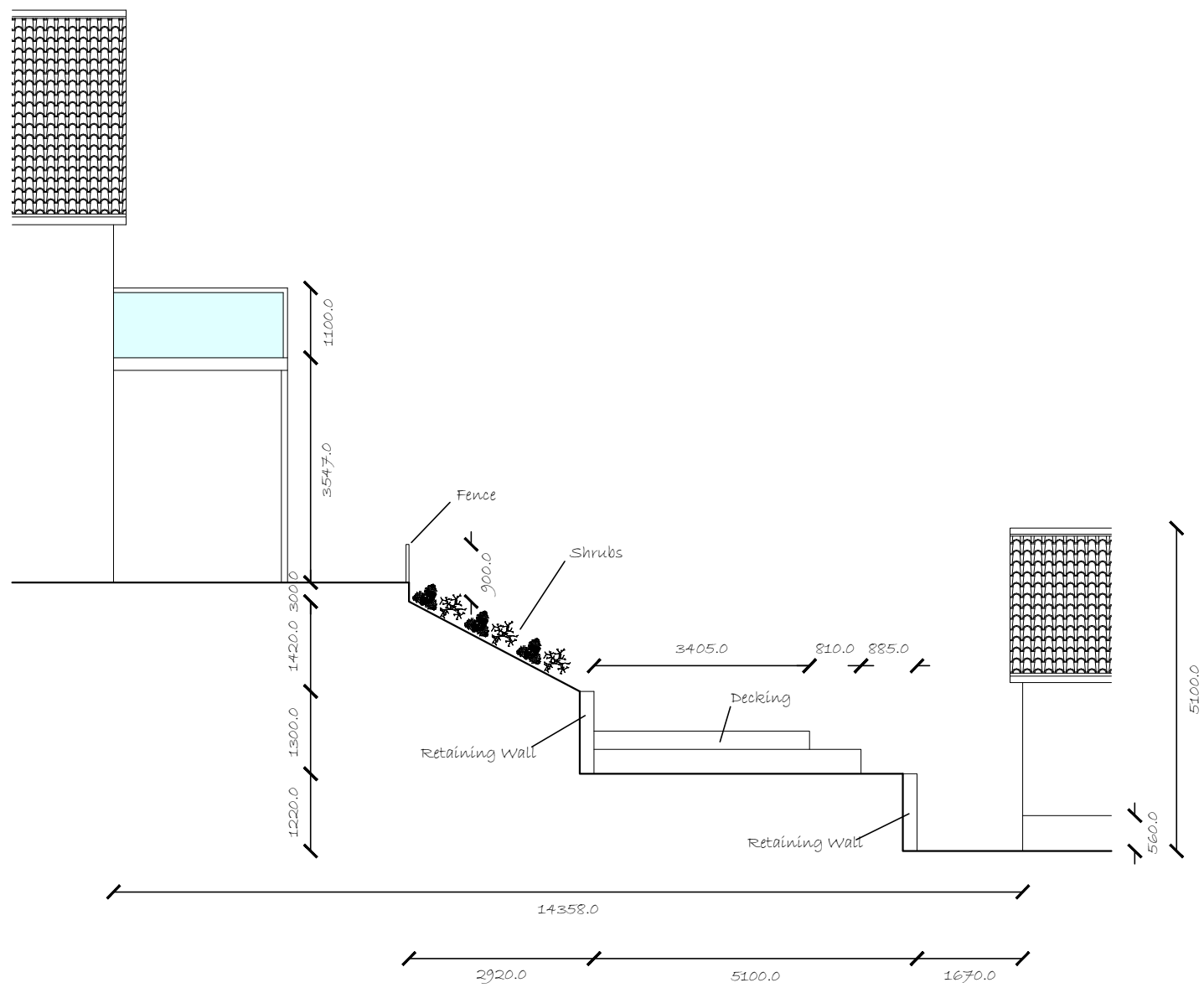
3 DEAN ACRES  
COMRIE  
FIFE KY12 9XS  
Tel/Fax: 01383 850 134  
E-mail: gordonassociates@skj.com

JOHN GORDON ASSOCIATES LTD

This is a true copy of the plan referred to in our application.

Dated:                                      Signed: *John Gordon*

Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.



Mr. & Mrs. Holley,  
 24 Blairdenon Drive,  
 Alloa. FK10 3JL.

Section Through Site Levels

Scale: 1:100                      4/12/14

Ref: WLH/CS



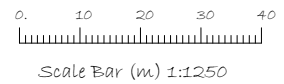
3 DEAN ACRES  
 COMRIE  
 FIFE KY12 9XS  
 Tel/Fax: 01383 850 134  
 E-mail: gordonassociates@skry.com

JOHN GORDON ASSOCIATES LTD

This is a true copy of the plan referred to in our application.

Dated:                                      Signed: *John Gordon*

Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.



Mr. & Mrs. Holley,  
24 Blairdenon Drive,  
Alloa. FK10 3JL.

Location Plan

Scale: 1:1250

4/12/14

Ref: WLH/2



3 DEAN ACRES  
COMRIE  
FIFE KY12 9XS  
Tel/Fax: 01383 850 134  
E-mail: gordonassociates  
@sky.com

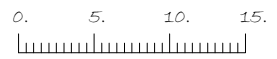
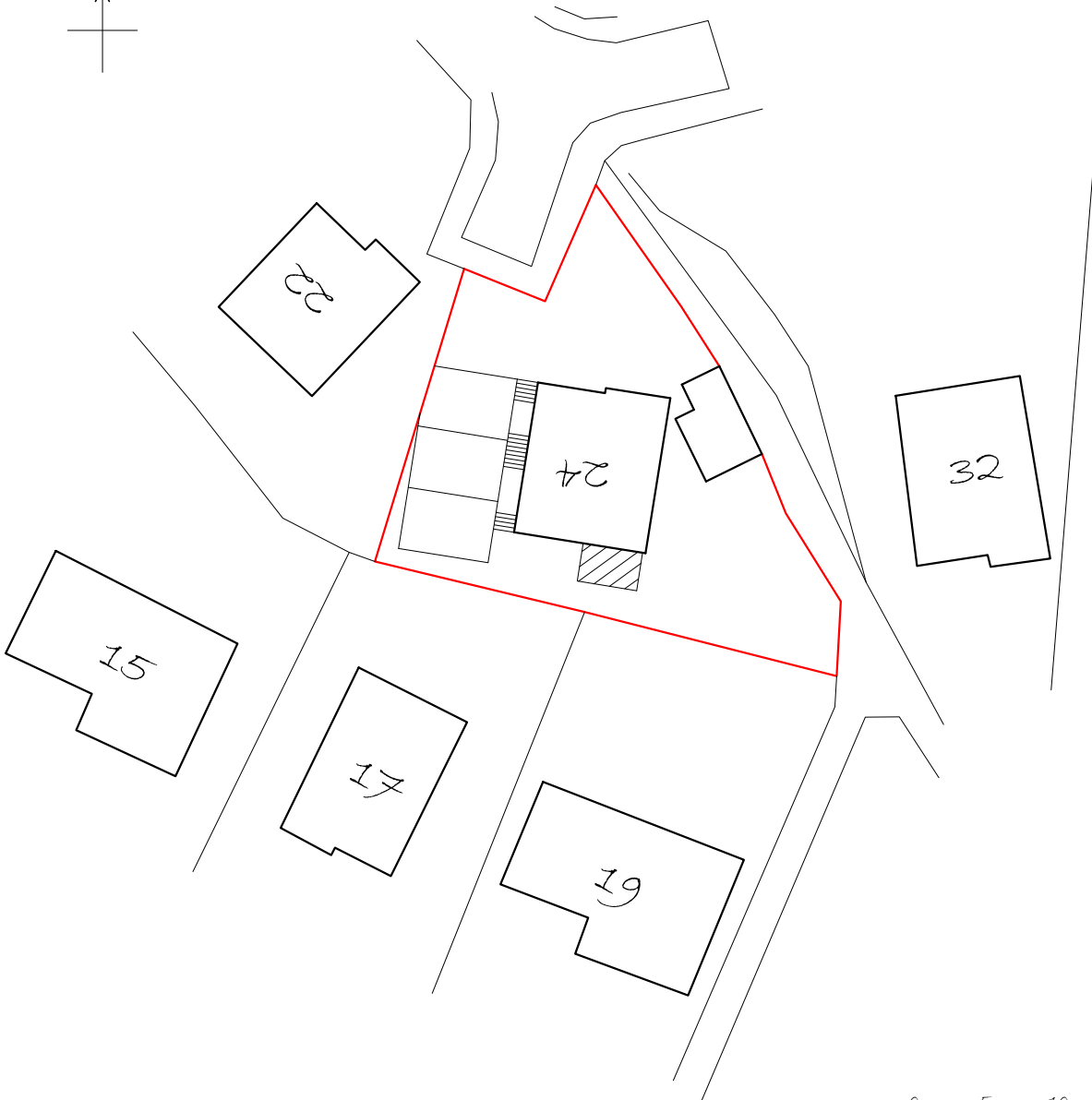
JOHN GORDON ASSOCIATES LTD

This is a true copy of the plan referred to in our application.

Dated:

Signed: *John Gordon*

Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.



Scale Bar (m) 1:500

Mr. & Mrs. Holley,  
24 Blairdenon Drive,  
Alloa. FK10 3JL.

Proposed Site Plan

Scale: 1:500

4/12/14

Ref: WLH/SP



3 DEAN ACRES  
COMRIE  
FIFE KY12 9XS  
Tel/Fax: 01383 850 134  
E-mail: gordonassociates  
@sky.com

JOHN GORDON ASSOCIATES LTD

This is a true copy of the plan referred to in our application.

Dated:

Signed: John Gordon

Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.

**THIS PAPER RELATES  
TO ITEM 4 (c)  
ON THE AGENDA**

**Refusal of Planning Permission**

**15/00115/FULL**





**CLACKMANNANSHIRE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**REFUSAL OF PLANNING PERMISSION**

**Applicant**

Mr W Holley  
24 Blairdenon Drive  
Sauchie  
Clackmannanshire  
FK10 3JL

**Agent**

John Gordon  
3 Dean Acres  
Comrie  
Dunfermline  
KY12 9XS

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Erection Of First Floor Balcony To Rear Of House

24 Blairdenon Drive, Sauchie, Clackmannanshire, FK10 3JL,

in accordance with your application and plans Ref. No:- 15/00115/FULL dated 25th May 2015

For the following reasons:-

1. The proposed development does not accord with Policy RES 12 of the Clackmannanshire Local Plan, in that the height of the balcony above ground level, combined with the difference in ground levels between the applicant's property and those at Swinburne Drive to the rear, and the proximity of the balcony to the rear boundary of the property, will result in an unacceptable adverse impact on the privacy of neighbouring households to the rear.

2. The proposal, by virtue of its siting, design and scale, fails to comply with the criteria of Policy SC 8 of the Proposed Clackmannanshire Local Development Plan in that the combined height of the balcony above ground level, the differences in ground levels between properties and the proximity of the balcony to the rear boundary of the property, will significantly and adversely affect the privacy and residential amenity of the adjoining properties to the rear.

Dated: 17 July 2015



.....  
DEVELOPMENT SERVICES

Plans Relating to the Decision

Plans WLH/1, WLH/2, WLH/CS, WLH/SP.

Submit a Planning Application online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

## NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
  - \* the duration of the permission
  - \* rights of review
  - \* requirements for further notification to the Council; and
  - \* the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
  - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
  - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
  - (i) If the decision has been made by the Appointed Officer under the Council's Scheme of Delegation, 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:-

Clerk to the Local Review Body  
Clackmannanshire Council  
Kilncraigs  
Alloa FK10 1EB

The Notice of Review form is available to download on the Council website at [www.clacksweb.org.uk](http://www.clacksweb.org.uk). Alternatively, send an e-mail with your name and address to [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk) and we will arrange to send a form to you.
  - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal with the Directorate for Planning and Environmental Appeals (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our Clacksweb site, or you can request paper forms from:

Submit a Planning Application online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk, FK1 1XR  
Telephone 01324 696400

#### **Notification of Initiation of Development**

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

#### **Notification of Completion of Development**

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

#### **Display of Notice while Development is carried out**

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
  - (i) The location of the development.
  - (ii) Any conditions attached to the planning permission.
  - (iii) The name and address of the developer.
  - (iv) The date on which planning permission was granted.
  - (v) The planning authority reference number.
  - (vi) A description of the development.
  - (vii) A note of the Council's contact details for enquiries relating to the development, which is [development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk) or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. 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

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View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

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.

10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

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View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

**THIS PAPER RELATES  
TO ITEM 4 (d)  
ON THE AGENDA**

**Report of Handling  
Planning Application Delegated Report  
15/00115/FULL**



**COMMUNITY & REGULATORY SERVICES  
CLACKMANNANSHIRE COUNCIL**

**REPORT OF HANDLING  
PLANNING APPLICATION DELEGATED REPORT**

Application Ref. No. 15/00115/FULL      Date of Site Visit: 12/06/2015

Description of Proposal      **Erection of First Floor Balcony to Rear of House.**

Location:      **24 Blairdenon Drive, Sauchie, FK10 3JL.**

**1. The Proposed Development**

This application is to construct a balcony to the rear of the house, which will be 4.0 m wide, 2.75m deep and on average 3.3m above ground level. Its outer edge would typically be around 2m from the rear garden boundary. The balcony would cover approximately half of the rear elevation (the eastern side) of the house.

**2. Summary of Consultation Responses**

No consultations undertaken.

**3. Neighbour Notification and Publicity**

Number Of Neighbours Notified

11

Number of Objections

2

Number of Other Representations

4

**4. Summary of Representations**

Alan Ferguson, 15 Swinburne Drive, Sauchie, FK10 3EQ.

Sandy Stewart, 17 Swinburne Drive, Sauchie, Fk10 3EQ.

Made representations objecting to the proposal that included :-

The proposed balcony will be at such a height and position in relation to adjoining properties that it will have a significant invasion of privacy in the house and rear gardens. As a consequence, it would breach human rights legislation associated with the right to the peaceful enjoyment of a home and private family life. Comment. *The properties to the rear of the site are already partially overlooked due to the differences in ground levels between the properties. Currently, screen fencing, vegetation on the rear boundaries and the angle of view from windows, combined with the distance from windows to the adjoining property, provides some measure of privacy, and the opportunity is available to any current and future occupier to enhance levels of privacy. This might typically comprise a screen fence, which exceeds the height of the existing fence. The proposed balcony would significantly increase overlooking of two or perhaps three houses, due to its proximity to the houses and private back gardens of these adjoining properties and its height above ground level. While the balcony will be enclosed by obscure glass, which will partially*

*mitigate the impact, the overall use of the balcony will nevertheless have an unacceptable adverse impact on the privacy enjoyed in the adjoining properties and the use of the rear gardens. The elevation of the balcony above surrounding properties would effectively eliminate the ability of any existing or future householder to maintain or improve existing standards of privacy by conventional means.*

The balcony will be visually overbearing due to its scale and the nature of the existing properties. Comment. *The balcony would be a visually prominent feature on the rear elevation of the house due to its depth and height above ground, but more significantly, at a distance of less than 2 metres from the garden boundary, the top of the protective barrier will be around 7.5 m above neighbouring ground floor levels.*

Mrs Christine Scobie, 13 Swinburne Drive, Sauchie, FK10 3EQ

Neither supports nor objects to the application and makes the point that there are houses in Blairdenon Drive that overlook her house and garden. Comment - *noted*.

James Brennan, 20 Blairdenon Drive, Sauchie, FK10 3EQ.

Richard Saunders, 22 Blairdenon Drive, Sauchie, FK10 3EQ.

Mr and Mrs Dickens, 24 Blairdenon Drive, Sauchie, FK10 3EQ

made representations in support of the development that included :-

Privacy did not exist when the houses in Swinburne Drive were built and the addition of a balcony is likely to increase the privacy for residents in Swinburne Drive as it increases the angle between the properties thereby decreasing the viewable angle between them. Comment - *the balcony will certainly interrupt views from the dining room. Any assessment of impact will include an understanding of previous and current levels of privacy.*

The amount of privacy enjoyed in the properties is not at a high level. Comment - *Levels of privacy vary between properties, and between seasons.*

## **5. Summary of Supplementary Statements**

None.

## **6. Summary of Section 75 Planning Obligations.**

None.

## **7. Site History/Background**

14/00260/FULL - Erection of First Floor Balcony to Rear of House - Refused. An appeal was made to the Local Review Body and this was refused.

## **8. Planning Assessment**

The subjects comprise a detached house within a modern housing development. Ground levels generally fall from the front to the rear. The house is between 4.4 and 5m from the rear garden boundary. The properties to the rear are significantly lower



than the application site. For example, the applicant's drawing shows the corresponding garden levels varying between 3 and 4m.

Policy RES 12 of the Clackmannanshire Local Plan states :-

"Alterations and extensions to houses will normally be approved provided the appearance of the house and surrounding area is not adversely affected. Approval is unlikely to be granted where : the siting and scale of the extension significantly affects the degree of sunlight, daylight, amenity and or privacy enjoyed by the occupants of the adjoining or nearby property."

Policy SC 8 of the Proposed Clackmannanshire Local Development Plan which is shortly to be adopted, is similar in its criteria, where it indicates that domestic developments will normally be approved, provided that the siting, design, scale or massing of the development does not adversely affect the residential amenity enjoyed by the occupants of surrounding domestic properties.

Levels of privacy enjoyed by existing householders at 15, 17 and 19 Swinburne Drive are determined by the orientation and distance between neighbouring houses, window openings, changes in level and boundary treatment. Although window to window distances accord with recognised guidance, changes in ground level combined with boundary markers mean that levels of privacy may be less than those typically found elsewhere in modern housing developments.

The proposed balcony will be 11-13 m from two neighbouring houses to the rear. It will be approximately 2m from the rear garden boundary, and at a height of around 6 - 8 m above those same gardens. The balcony incorporates a 1.1m high protective screen, which will comprise obscure glass. In our judgement, these collective circumstances will create a further erosion of privacy, and crucially one which neighbours cannot reasonably mitigate. The social and domestic use of a balcony in these circumstances would introduce an unavoidable and adverse impact on privacy, a reduction that the neighbouring households might reasonably expect to avoid. The consequential loss of privacy is most acute at 17 & 19 Swinburne Drive and in part at 15 Swinburne Drive.

The applicant has previously stated informally that the main purpose of the balcony is to provide outside views across the valley. In this respect the glazed screen will comprise obscure glass. However, there is a large raised deck area on the west side of the house. While this is at a lower level than the proposed balcony, it does allow outside views across the valley. Ultimately, the Council, as Planning Authority, can only consider the effect of any normal use of a development of this nature, and the consequential impact on adjoining uses.

Our assessment of this proposal takes account of the applicant's house, the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity.

**(i) Development Plan Position**

The relevant Development Plan Policies are RES 12 - Householder Developments and SC 8 (Domestic Developments). From the information provided in the application, and comments, if any, received from third parties, we conclude that :-

- The form and mass of the materials will affect the existing house and thus it's visual character. However, the public built environment will remain largely unchanged.
- The general amenity of the surrounding area will be compromised, due to the relative height and position of the houses, gardens and balcony
- The scale and location of the balcony would appear not to have any significant impact on the amount of daylight or sunlight enjoyed by neighbouring property owners.
- There is likely to be an unacceptable adverse impact on the privacy of neighbours.
- Less than 50% of the original garden ground would be lost.

On that basis, the proposal does not accord with Policies RES 12 & SC 8 of the respective development plans.

**(ii) Other Material Considerations**

The representations from parties with an interest in the development have been examined. Those opposing the development appear to carry more weight in terms of the relevance to planning policy.

The proposal does not accord with the guidance on householder developments in Supplementary Advice Note 8 House Extensions in terms of privacy and design.

We acknowledge the applicant's decision to amend the proposal. However, and for the avoidance of doubt, the Council cannot make a straightforward comparative assessment of the respective proposals. The current version must be determined on its own merits.

**9. Recommendation**

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

**That the application is REFUSED for the following reasons.**

1. The proposed development does not accord with Policy RES 12 of the Clackmannanshire Local Plan, in that the height of the balcony above ground level, combined with the difference in ground levels between the applicant's property and those at Swinburne Drive to the rear, and the proximity of the balcony to the rear boundary of the property, will result in an unacceptable adverse impact on the privacy of neighbouring households to the rear.

2. The proposal, by virtue of its siting, design and scale, fails to comply with the criteria of Policy SC 8 of the Proposed Clackmannanshire Local Development Plan in that the combined height of the balcony above ground level, the differences in ground levels between properties and the proximity of the balcony to the rear boundary of the property, will significantly and adversely affect the privacy and residential amenity of the adjoining properties to the rear.

**Plan Numbers Relating to the Decision**

Plans WLH/1, WLH/2, WLH/CS, WLH/SP.

**10. Checklist**

The application does not involve development of land in which the Council has an interest

The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct

The charge for advertising this application has been paid or is not required

Any publicity period has expired

The recommendation requires authorisation by the following Appointed Officers:

Development Quality Team Leader

Development Services Manager

The recommendation/decision has secured added value which is recorded in Uniform

Two complete sets of plans to be approved are attached, or identified from the electronic file

The electronic file requires annotated plans which are attached

There are instructions to Business Support attached to this report/file

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed                      (Case Officer) Date 16/07/15

Signed                      (Team Leader) Date 16/7/15

Signed                      (Service Manager) Date 17/7/15

**THIS PAPER RELATES  
TO ITEM 4 (e)  
ON THE AGENDA**

**Interested Party Representation**

**Mr A Stewart**

**15/00115/FULL**



Governance Service  
Kilncraigs, 2<sup>nd</sup> Floor  
Greenside Street  
Alloa  
FK10 1EB

Alexander Stewart  
17 Swinburne Drive  
Sauchie  
FK10 3EQ

Date: 28<sup>th</sup> September 2015

Dear Sir,

**REF: PLANNING APPLICATION - 15/00115/FULL (REFUSED)**

We live adjacent and directly below the proposed development site and are writing to ask that the Local Review Body uphold the decision by Clackmannanshire Council to refuse the above referenced planning application.

Herein, please find our representations relating to the review of the above referenced planning application.

1. The proposed development does not meet the requirements of Policy RES 12 of the Clackmannanshire Local Plan, in that the height of the balcony above ground level, combined with the difference in ground levels between the applicant's property and our own, and the close proximity of the balcony to the boundary of our property would result in a wholly unacceptable adverse impact on our and neighbouring properties privacy. Also, due to the height of the proposed balcony and its proximity to our boundary there are no conventional means by which we would be able to maintain or adequately enhance levels of privacy.
2. The proposed development fails to comply with the criteria of Policy SC 8 of the Clackmannanshire Local Development Plan in that the combined height of the balcony, the differences in ground levels between our and the applicant's property and the close proximity of the balcony to the boundary of our property would severely adversely impact upon the privacy and residential amenity of our property.
3. The proposed development does not comply with Policy RES 8 (Amenity Standards) of the Clackmannanshire Local Plan as it most certainly would not "*enhance privacy*" of our home or garden amenity area or those of neighbouring properties.
4. The design of the proposed development does not afford adequate privacy for occupants of adjacent properties, particularly with regard to their right to the quiet enjoyment of garden amenities. Furthermore, the fitment of obscure/tinted glazing to the proposed balcony would not lessen the adverse impact of it upon the privacy of neighbouring properties as persons either sitting or standing on the proposed balcony would still overlook neighbouring properties.
5. We'd also ask that the Local Review Body take account of the fact that the applicant currently has a more than adequate area of raised decking within his garden from which he can enjoy views of the surrounding landscape.

6. We also ask members of the Local Review Body to consider the responsibilities of the Council under the Human Rights Act, in particular Article 1 (Schedule 1, Part 2, 1<sup>st</sup> Protocol) and Article 8 (Schedule 1, Part 1).

We are more than happy for members of the Local Review Body to visit our home in order to verify that our representations are valid. Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; please feel free to contact us.

In conclusion, we ask that the Local Review Body uphold the decision by Clackmannanshire Council to refuse Planning Application 15/00115/FULL.

Yours Sincerely,

A black rectangular redaction box covering the signature of Alexander Stewart.

Alexander Stewart.



**THIS PAPER RELATES  
TO ITEM 4 (f)  
ON THE AGENDA**

**Interested Party Representation**

**Mr A Ferguson**

**15/00115/FULL**



Mr Alun Ferguson  
15 Swinburne Drive  
Sauchie, Clackmannanshire  
FK10 3EQ

Mr Stuart McQueen  
Governance Service  
Kilncraigs, 2<sup>nd</sup> Floor, Greenside Street  
Alloa, FK10 1EB

28<sup>th</sup> September 2015

Dear Mr McQueen

**Ref: Planning Application: 15/00115/FULL (REFUSED)  
24 Blairdenon Drive, Sauchie, Clackmannanshire, FK10 3JL**

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 15/00115/FULL.

The following are my representations relevant to the review of planning application 15/00115/FULL:

- I. As stated by the Council, 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. As stated by the Council, the proposed balcony does not comply with the criteria of 'Policy SC8' of the Clackmannanshire Local Development Plan in that the combined height of the balcony coupled with the differences in ground levels between my own property and the appellant's property and the proximity of the balcony to the boundary of my property would adversely impact upon the privacy/residential amenity of my home, particularly 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 privately enjoy the amenity areas of my garden. Furthermore, obscure glazing on the balcony would in no way reduce the adverse impact of the balcony upon my privacy as anyone using said balcony would still overlook adjoining properties. Also, I ask that the Review Body considers the Council's responsibilities in relation to the 'Human Rights Act 1998' re privacy.

As before, I am happy for members of the Local Review Body to visit my home and/or garden to confirm that my representations are valid.

Yours Sincerely,

Alun Ferguson.



**THIS PAPER RELATES  
TO ITEM 4 (g)  
ON THE AGENDA**

**Response from the Applicant to the  
Interested Party Representations  
15/00115/FULL**



Dear Mr McQueen.

Ref. No 15/00115/Full.

Following on from the LRB decision to uphold the planning departments refusal of the much larger balcony reference 14/00260/Full, and listening to the board members concerns and thoughts and the chairmans summing up when he stated to Mr Stewart and Mr Ferguson that they have limited privacy at the moment, I came away and had a look at what could be done to give us a useable balcony size and a method of giving the neighbours more privacy than they already have.

The architect and myself decided to reduce the balcony by more than half, now only 4 metre wide and maintain the 2.75m metre projection, now that the balcony is no longer covering the lounge window then we have no need for clear glass handrails to maintain a view from our lounge. The introduction of a 1100mm high tinted /obscure handrail will offer much more privacy to our neighbours. As our existing clear glazing in the dining room is only 700mm above the floor level.

Prior to submitting the application I emailed Mr Stoddart a copy of the proposed and asked if this would be something he could support. Below is Mr Stoddarts response

Mr Holley, with reference to your e-mail and plans showing the revised proposal for the Balcony to the rear of 24 Blairdenon Drive. Sorry for the delay in replying to your e-mail.

The new proposal is to reduce the width of the balcony to 4 m, with the balcony located at the eastern part of the rear elevation, while its width would remain unchanged. The balcony would be accessed from the dining room to the side of the lounge and you would be prepared to install tinted / obscure glass in the balustrade.

This revised proposal would potentially reduce the impact on your neighbours at No.15, 17 and 19 Swinburne Drive. The balustrade would now help to screen neighbouring gardens when seated on the balcony. Otherwise, the normal use and enjoyment of the facility would remain unchanged.

The foregoing circumstances would form part of the assessment of a new application. However, the balcony would still be close to the rear boundary of the property and elevated to over 3 metres above ground level and it seems to me that there would continue to be a measurable loss of privacy for households in Swinburne Drive. Due to these factors, I can offer no assurances that an application would be successful.

If the opportunity presents itself, one piece of advice I would offer would be to discuss your revised proposal and any associated issues or variations, with your neighbours, particularly those who objected to the previous application. Although objections to an application is not a determining factor, it is a material consideration for the Council in weighting up the merits of the proposal.

M Stoddart  
Planner  
Clackmannanshire Council  
Kilncraigs Greenside Street  
Alloa FK10 1EB

TEL No 01259 452626  
Mobile 07966 146895

After reading the response i sent Mr Ferguson an email with the new proposal and asked him to have a look at it, and if this was something he would support, i also agreed with Mr Stewart that he would have a look at the copy Mr Ferguson had.

Unfortunately i did not get any response so we decided to go ahead with the new application.

#### BALCONY USE

To allow my wife and I an area to sit outside directly from the upper living level of our house as at present we have to access the outside sitting area from the lower bedroom part of our house which has 12 steps internal and 5 steps external.

The council refusal and the two neighbour objections are all to do with privacy, Mr Stoddart in previous reports has already stated Quote “ Changes in ground level combined with boundary markers mean that levels of privacy may be less than those found elsewhere in modern housing developments” and also taking into account paragraph 2 and 3 of the response above i am surprised Mr Stoddart put it forward for refusal.

I would also like the LRB to look at 2 previous council applications approved by the planning department for raised decking areas directly on the boundary.

07/00378/Full, The next door neighbour objected regarding size and scale and privacy, I would ask you to read the delegated report response from the officer especially the section on the rear decking. and take a look at the elevation and plan drawings.

12/00219/Full, this decking is directly on the boundary, and much higher than the original ground i would ask you again to read the report of handling and the way the officer once again comments on how the garden is already overlooked.

#### SUMMARY

Balcony now less than half the size of the previous application.

1100mm high tinted/obscure glass handrail offering complete privacy to the neighbours.

Other raised decks been approved directly on the boundary within 1/2 mile of my house.

Application for a balcony with limited use and not a full extension with 24/7 use.

William Holley. 10/10/15



## **LOCAL REVIEW BODY**

**Tuesday 1st December 2015**

### **Proposed Order of Proceedings**

The specified matters for consideration at the Hearing are:

1. Determine to undertake a site visit at 9.30am on 1st December 2015.
2. Thereafter to convene a Hearing following the site visit to determine the Review Application on the full basis of the applicant's Notice of Review, together with any comments on the Report of Handling of the planning authority and the contents of all reports lodged with the LRB.
3. For the above the Board may allow the applicant and the Planning Officer to speak to their hearing statement in the following order:
  - a. Statement by Applicant;
  - b. Questions from Planning Officer;
  - c. Questions from Board Members;
  - d. Statement by Planning Officer;
  - e. Questions from Applicant;
  - f. Questions from Board Members;
  - g. Statement by Interested Parties;
  - h. Questions from Applicant;
  - i. Questions from Board Members;
  - j. Final submission by Planning Officer;
  - k. Final submission by Applicant.
4. Determination of Review Application.

