

# Appendix 5

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Lesley McCulloch**





For official use: NOR/ \_ \_ / \_ \_ / \_ \_ \_ \_  
Date received by PLRB: \_ \_ / \_ \_ / \_ \_ \_ \_

# Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments  
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008  
The Town and Country Planning (Appeals) (Scotland) Regulations 2008

**This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application**

**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 complete in **BLOCK CAPITALS**

**Applicant(s)**

Name:

Address:

Postcode:

Contact Telephone 1:

Contact Telephone 2:

Fax No:

E-mail:\*

**Agent (if any)**

Name:

Address:

Postcode:

Contact Telephone 1:

Contact Telephone 2:

Fax No:

E-mail:\*

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

\* Do you agree to correspondence regarding your review being sent by e-mail?  Yes  No

Application reference number:

Site address:

Description of proposed development:

Validation date of application:

Date of decision (if any):

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for requesting review**

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

**Review procedure**

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning 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 it 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 consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**Statement of reasons for requiring the review**

You must state, in full, why you are requesting 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 Planning Local Review Body to consider as part of the review.

If the Planning 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 statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See separate written statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Information on a now demolished dwelling has been included as it is considered crucial. The Planning Department hold information from a previous application, but we wish this to be considered as part of the review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

Written Statement  
 Drawing L(SK-) 01  
 Image A1

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

**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 requiring a review
- 2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

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

**Declaration**

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

Signed:  Date:

This form and 2 copies of all supporting documents should be sent to:-

**Head of Planning and Building Standards Services  
 Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB**

**Email: [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)  
 Phone: 08457 406080**

For official use  
  
Date stamp)

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)

---

# Planning Appeal

---

Application  
Reference:  
EK/10/0350

---

DTA /11/02/2011

---

**Written Submission in the Appeal against Refusal of Amendment to  
Planning Permission for Mrs Lesley McCulloch against South Lanarkshire  
Council**

**Planning Reference EK/10/0350**

**Erection of 2no. detached dwellings (amendment to EK/09/0102)  
352-356 Auldhouse Road, Auldhouse, Glasgow, G75 9DX**

## **Written Statement**

### **Introduction**

This appeal, prepared on behalf of the appellant Mrs Lesley McCulloch, is against the refusal by South Lanarkshire Council to grant an Amendment to Planning for the erection of 2no. detached dwelling houses at 352-356 Auldhouse Road, Auldhouse. The application site currently benefits from a Planning Approval (EK/09/0102) for the erection of 2no. detached dwellings which was approved on the 26<sup>th</sup> October 2009 and remains valid. The existing dwellings on the site referred to in the Planners Delegated Report have already been demolished.

Having secured an approval for two dwellings and associated double garages the applicant determined to modify the proposals by altering the house types to amalgamate the area taken up by the detached garages and incorporate this into the residential accommodation. The resulting houses, whilst larger than the approved houses, remain similar in scale to the residential building which had just been demolished and are of a style in keeping with this rural location.

The principal of two detached dwellings at this location has been accepted by the Planning Department in their previous approval. These, like the current proposals, are one and a half storey dwellings with dormer windows. The positioning of the houses on the site, their style and materials have all been accepted by the Planning Department and no objection to these items was included in their Delegated Report.

The refusal was based on an assessment of the proposed houses as against the approval but did not sufficiently acknowledge the scale and massing of the original building which was demolished to facilitate this development. That house, like many others in the surrounding countryside, was of a comparable size to that which is proposed.

No assessment against the scale and massing of the original building was made during the application process and therefore this appeal statement seeks to illustrate that the reasons given for refusal are unsound.

The reasons given by South Lanarkshire Council in the Planning Decision Notice are;

- 1        *This decision relates to drawing numbers:*  
  
          *L(0-) 01- Site Location Plan*  
          *L(1-) 01- Site Plan*  
          *L(2-) 01 Proposed Elevations & Floor Plans*
  
- 2        *The proposal is contrary to Policies CRE 1 and ENV 34 of the adopted South Lanarkshire Local Plan (March 2009) in that the proposed dwellings do not respect the character and are out of scale with, the surrounding rural area.*

**Reason 1** - The members of the Local Review Body will observe that Reason 1 is a standard administrative note intended to clarify the drawings referred to in the application.

**Reasons 2** – This reason for refusal has been expanded upon in the Planners Delegated Report. There it is stated that the proposed dwellings increase the floor space by around 120 square meters per dwelling from the previous approval. As mentioned in our introduction this assertion fails to acknowledge the contribution of the two approved detached double garages to the development footprint. This floor area has been assimilated into the footprint of each house and there are now no proposals to build detached garages on the site. Furthermore rather than having "*maximised development*" the approved houses actually have a considerably smaller footprint than the immediately adjacent properties and easily fall within the standards of the residential design guidance. Indeed, the current proposals meet these same standards.

To allow a comparison to be made between the proposed houses and the now demolished residential building we have included the following information;

Drawing L(sk-)01

Image A1

This was not submitted with the application as the Planning Department already held this information from having dealt with the original approval. As this building has now been demolished and was not indicated in the application in question we would respectfully ask that the Local Review Body take this new information into consideration when determining this appeal.

Drawing L(sk-)01 shows the footprint of the demolished building beside the footprint of the proposed house type. To allow a direct comparison to be made both are shown at the same scale with dimensions added for clarity. The front elevation of the proposed house type is actually nearly 2 metres smaller than the now demolished dwelling. Although they are different shapes the drawing indicates that they are indeed comparable in terms of scale. The positioning of the houses on the site was intended to replicate the relationship that this building had to Auldhouse Road and this approach was accepted by the Planner when responding to Letters of Representation in their Delegated Report;

*"...I am satisfied that, like the original proposals, at least one of the dwellings faces onto the main road to remain in keeping with the surrounding area."*

Image A1 allows the Local Review Board to assess the proposals against the original residential building which they would not otherwise be able to do if they were to visit the site prior to this Review. The photograph shows a traditional stone dwelling in the Scots Vernacular. At the time of the original application this building was capable of habitation without extensive works, the external walls and roof were substantially intact the Councils Building Control had determined that the building had not been deemed unsafe nor was in need of demolition. Therefore had the applicant determined to reinstate the dwelling it is likely that this would have been looked upon favourably by the Planning Department. Had this adaptation included the installation of dormer windows then the resulting development would have had a very similar appearance to the proposed house type. This too is likely to have been supported by the Planning Department.

The proposed houses are designed to comply with Local and National Planning Policies relating to residential developments in the countryside. The visual impact of the development is often the main focus of these policies. However as we have illustrated above the visual impact, particularly from the road, is minimal in comparison to the previous situation. The materials and traditional features incorporated into the design are not at variance with the traditional buildings in the area nor would such a dwelling adversely affect the rural character of the area. Indeed the rural character is one of a variety of built forms each with their own interpretations of traditional construction details. The proposed buildings would look distinctly out of place in an urban setting but at this location they clearly respect and reinforce the local character and identity.

## **Conclusion**

Great care was taken in the design of these dwellings to ensure that the visual amenity and character of the area was not jeopardised. In fact the applicant maintains that these features will actually be enhanced. The design, style, materials and positioning of the dwellings are all acceptable to the Planning Department as stated in their Delegated Report. There is a preference on their part for the original approval however when looked at in relation to the previous situation it is clear that the current proposed dwelling houses will not look out of place in this location. This preference is not substantiated by reference to the many policies relating to rural developments and houses in the countryside. This is, we believe, because the current proposals actually comply with the spirit of these policies in the same way that the approved houses do.

For all of the above reasons we would ask that the Local Review Body uphold this appeal and grant full planning approval.



Former Dwelling at 352-356 Auldhouse Road

©2011 Copyright of DTA Chartered Architects

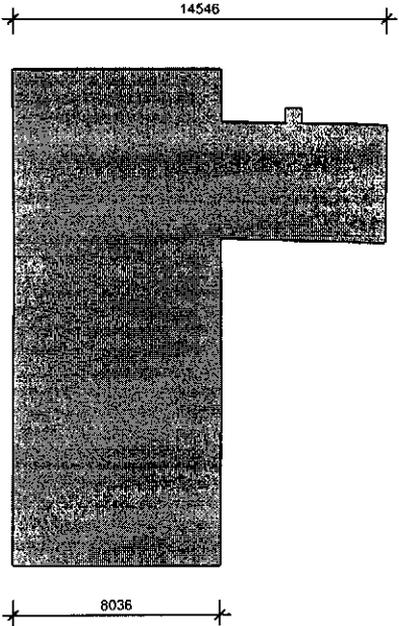
**DTA**

9 Montgomery Street  
The Village  
East Kilbride  
Glasgow G74 4JS

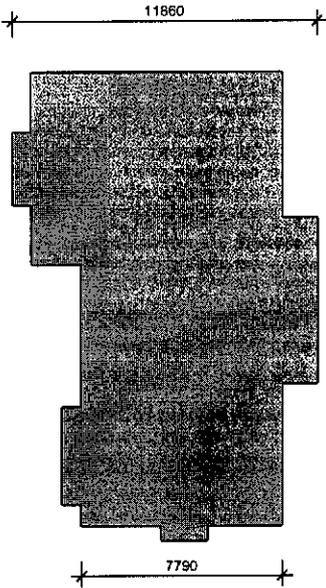
Tel: 01355 260909  
Fax: 01355 260908

CHARTERED  
ARCHITECTS

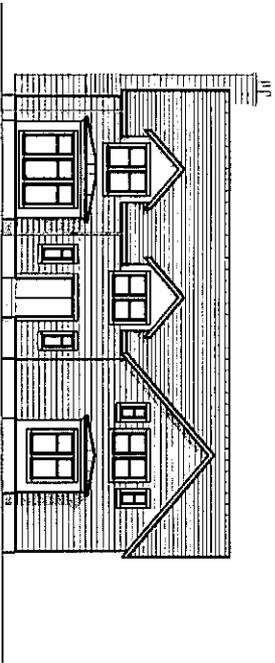
Client Lesley McCulloch		
Project Proposed Dwellings		
Title 352-356 Auldhouse Road		
job no M113.02	drg no Image A1	rev
date feb 11	by GT	scale nts



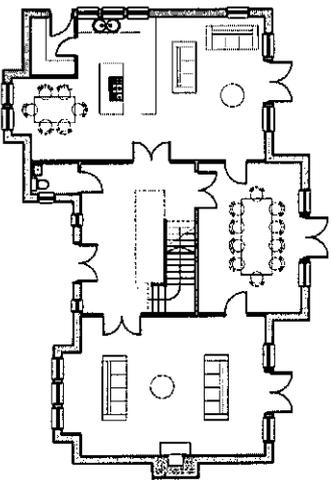
Former Dwelling  
352-356 Auldhouse Road



Proposed House Type



Front Elevation  
Scale 1:200



Ground Floor Plan  
Scale 1:200

**NOTES**  
1. Do NOT scale from this drawing.  
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.  
3. In the case of any discrepancy, always refer to the Archited.

Client  
Lesley McCulloch

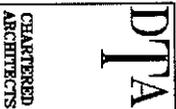
Project  
Proposed Dwellings  
352-356 Auldhouse Road

Title  
Comparison between  
proposed house type and  
previous dwelling

job no  
M113.02

drg no	rev	
L(sk-01)		
date	by	scale
Feb 11	GT	1/200

Approved References



9 Montgomery Street  
The Village  
East Kilbride  
Glasgow G74 4J5  
Tel: 01355 260908  
Fax: 01355 260906