

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Elizabeth Smith



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)	Agent (if any)
Name: ELIZABETH SMITH	Name:
Address: 18 ALDERGATE WESTBURN CAMBUSLANG GLASGOW G72 7ZF	Address:
Postcode:	Postcode:
Contact Telephone 1: [REDACTED]	Contact Telephone 1:
Contact Telephone 2: /	Contact Telephone 2:
Fax No: /	Fax No:
E-mail:*	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: CR11010266

Site address: 18 ALDERGATE
WESTBURN CAMBUSLANG GLASGOW
G72 7ZF

Description of proposed development: 3 BRICK HIGH WALL TOTAL HEIGHT 10 INCHES
ATTACHED RAILING 12 INCHES ABOVE = 22 INCHES

Validation date of application: 17.2.11 Date of decision (if any):

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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

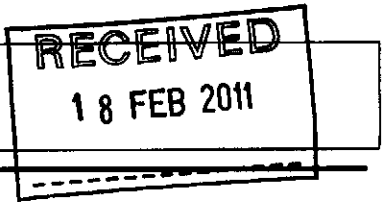
If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- 1. Can the site be viewed entirely from public land? Yes No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes No

If there are reasons why you think the 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.

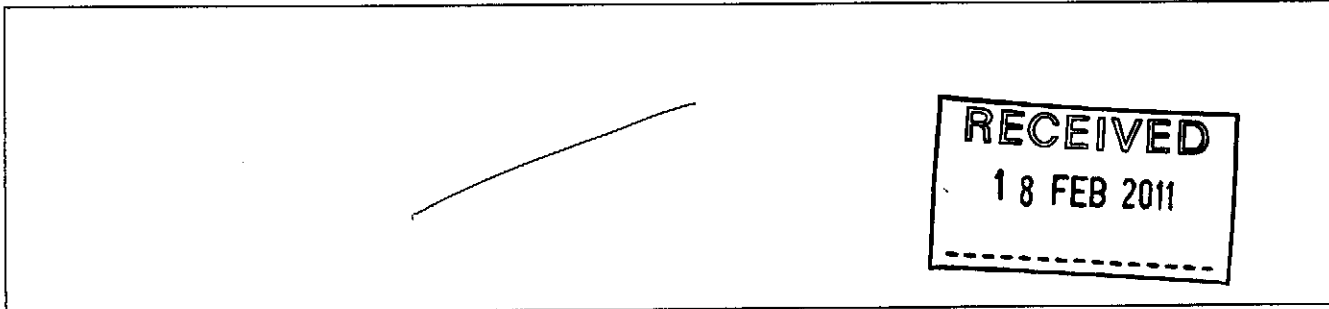
If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

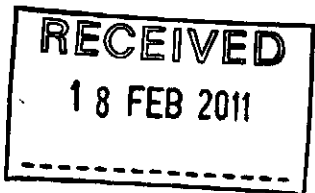
State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I would like to state that the Estate precedence has already been broken by your good selfs and would like my review reassessed due to ongoing anti social behavior of neighbours and mess passers in general, as to why I took the actions I did to safeguard my property and vehicle from anymore damage being done to them, I have sincerley appologised for my lack of knowledge in not knowing about applying for permission to do so as I do not hold my deeds, for reviews on set precedences in my Estate.

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

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





List of documents and evidence

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

WRITTEN STATEMENTS
 PHOTOGRAPHS.
 REPLY LETTERS FROM MSP James Kelly.
 REASONS FOR my REVIEW.

 " STILL AWAITING STRATHCLYDE POLICE DOCUMENTATION".

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: [REDACTED]

Date: 17-2-11

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

Phone: 08457 406080

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

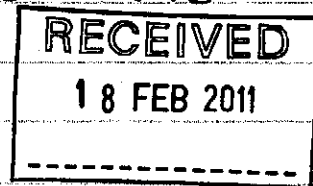
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"REFERENCE FOR PHOTOGRAPHS"

- ① PHOTO 1 is of Front Elevation of height and scale of wall.
- ② - Inside view of front wall length and height.
- ③ - Front picture shows the materials used in build are of highest quality and are an exact match of same brickwork used in the original build of the house.
- ④ - Side elevation from neighbour no 16's house if side wall is to be removed then I will be back to him using my front lawn as a Drive over with his cars and vans which are always parked here. also complained that every time I cut my lawn the grass was growing through his brickwork on his driveway, even though my lawn mower picks it up.
- ⑤ - photo 5 shows when entering the estate the first thing you notice is the side fences of the neighbouring houses as well as the height of hedges, before you notice the scale of my wall.
- ⑥ - photo 6 shows a higher side facing my neighbour at no 20's house where there was a big height difference in our grounds which the builder did his best to reduce for me this neighbour is happy for the wall to remain as it stops his side from being flooded with the rain out is door and side path.
- ⑦ next door neighbour's vehicles.



" " " " " "

REFERENCE FOR PHOTOGRAPHS

⑧ - photo 8 shows size and scale of wall which does not match existing dwelling

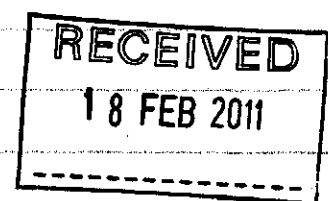
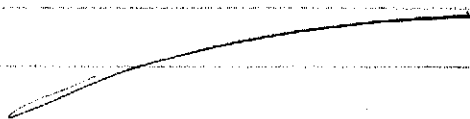
⑨ - photo 9 also shows size and scale of wall in relation to mine which you can step over.

⑪ - photo 11 - shows another design in matching brickwork to their dwelling I based my design on this scale with a slimline railing above to keep the children off the wall aswell as off my property.

please could you take into account my reason for doing this was to prevent anymore problems arising with neighbours and their children and that I can corroborate all this with evidence from Strathclyde HG to support my claims.

Due to the time scale to get this review form and information in I haven't yet received the relevant data to submit to you's as proof.

I hope you will find enough proof as to allow this alteration to stand or any recommendation towards this situation I thank you once again for your time on this matter.



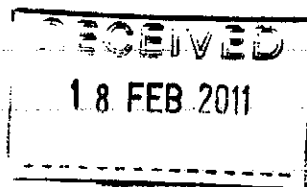
Local Plan policy Dm1

While both the house builder and planning Authority agree on a said precedence at the time for a new development, it is sometimes due to certain circumstances which are out of your control that not always do you have neighbours or residents abiding by that rule. As was the situation that I found myself in due to my neighbour.

That is why I feel house builders and the local council should take into consideration that not ^{all} open plan estate's can keep to this precedence due to problems with anti social neighbours in which case they should have other options available for these circumstances. Although I agree with what the house builder and council agree on with it appearance's to an estate, with regards to homeowners just erecting any old thing which in some cases can be hideous, you have to ~~take~~ take into consideration that police are not always the best solution to help with anti social neighbours as I found out, it only worsened and aggravated my situation even more.

As said in your Dm1 policy: applicant's should respect the local context, make use of the appropriate materials to be used to enhance the appearance with no adverse impact on the landscape or surrounding dwellings.

As I was not in a financial position to sell my home this was the drastic measure's I took to safeguard my property and my vehicle at what has been at a cost that I didn't want to endure.



Local plan policy Dm4

(A): In respect of the alterations policy Dm4 section/A I feel that the size and scale of the alterations to my dwelling does not in anyway effect any surrounding dwellings and that the building materials used were of highest quality to match the existing brickwork and character of the house itself, as if built at the time of the house.

(B) in relation to section Dm4/B the size and scale and height does not overwhelm or deface the original outlay of the street scene as to regards to some of my neighbours side fences to their properties or their trees and shrubbery which is much more prominent on the eye than the height or design of my alteration.

(C) As in section Dm4/C this alteration does in no way affect my neighbours nor does it affect their privacy in anyway whatsoever nor is it overlooking in any way either, if anything it conforms to the criteria stated in your Dm4 section, also 11.18/11.19 that the introduction of a front wall/fence shall not exceed 1 metre in height and should be finished to match the house, which I have sought to do at a cost, to prevent any more altercations with my neighbour, and that this guidance is important when considering applications for house extensions and alterations to properties due to given circumstances. But could I ask what will the home owner have to suffer from another neighbour before the house builder and local Council introduce a policy to help protect and safeguard the resident in question and property's boundaries.

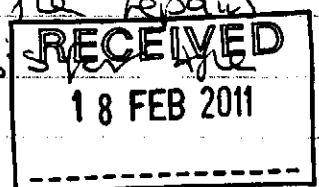
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Local plan policy RES6

With regards to this land policy RES/6, I would like to say that you mention that you take into consideration that certain developments do not approve of the "bad neighbour policy" ie: visual impact, noise, and disturbances and that public safety is foremost, but with all due respects was this policy taken into consideration when the walkway was opened up from the council estate in Mill Road connecting our estate in Aldersgate where now us residents in Aldersgate have to endure their noise, screaming, shouting and drinking resulting in fighting nearly every week due to this walkway being built, even during the week you still have dealings with them which also resulted in me and my next door neighbour's cars being vandalised as its on their side their always on this doesn't help when your picking up their alcohol bottles and your front lawn or sweeping up their broken glass bottles before you drive out your driveways, this was also a factor for the alteration to my dwelling, I personally feel if this walkway hadnt been opened then our estate would have remained a much quieter and safer place at night.

As to your said RES/6 section there shall be no loss to or damage to open spaces ie: trees, bushes, hedgerows, greenery, my point to this part is that is what is happening to the grassed and shrubbed area in front of me and my neighbour at no 20 this was also a factor in the erection of the wall because of the kids playing here day and night which we have to pay for the repairs to the damage being done on a quarterly basis maintenance bills.



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" Reasons for Justification "

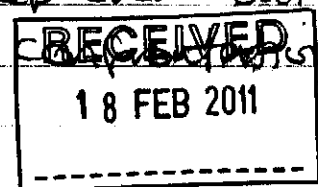
In previous correspondence I wrote to you explaining the reason in which I got the small wall erected but unknown to me at the time I did not know I had to apply for planning permission as there was already 3 houses in the estate that had a wall or a wall and a fence above it surrounding their properties.

This was partly due to my neighbour with the anti-social behaviour, one police officer in Gresham told me if he comes to my front door again not to open it but call them first, why should I a single female be scared to open my front door to him, at the time I was living on my nerves, and stressed out a lot of the time, but I'm not in a financial position to sell my house, and why should I, I like where I live as my other neighbours are great and my work relocated to Cambuslang so there wasn't any need to move anymore.

Since having the wall erected this neighbour can't use my front lawn as a car park, as it was used to reverse on or drive across if he had too many cars or vans in his driveway, my lawn isn't being churned up with tyre's from vehicles or Quad bikes anymore because the side wall prevents this now. Obviously in the photos I've submitted you will see that the side wall is on a gradient which the builder tried his best to level for me.

Since the front wall is there I have had no more dog fouling on my lawn my plants and shrubbery aren't being destroyed anymore.

The wall in Gresham is small enough to step over but since being erected I haven't had anymore complaints or dealings with neighbour next door.

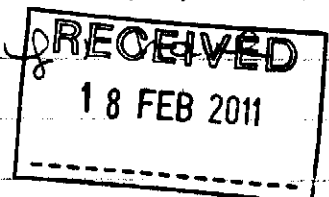


" " "
Reasons for Justification

My neighbour at the other side of me at no 20 is more than happy for the wall to remain as since being built although the gradient of the ground was at a much higher level at his end the pathway to his front door or side gate isn't being flooded by the bad weather anymore as the side wall to his side retains the water or snow that we had from flooding, the front of his house or garage door, and side pathway as his ground level was much lower than mine.

I also mentioned in previous correspondence in my letter that the grassed area across from me and no 20 which is not of communal ground is being used constantly as a play park, and when it snows it's like a viennese ski resort with all the kids playing on their sledges resulting in them ending up in our driveways or front lawns this was also a benefactor to the build of the wall.

Last year during the summer months it's used as a football field with all the bigger kids which resulted in words being exchanged with one of the boys' parents as my car was dented by the ball which nobody paid to be fixed, if the ball wasn't hitting of my front window it was hitting of my car or breaking all my shrubbery which this has now stopped, although the kids still play football here I don't have to check them now as this part of the front wall has put a stop to this and I feel I'm going to back to Square one again if I don't remove this alteration.



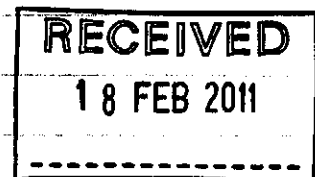
Reasons for Justification

my neighbour at no 17 also had run in's with the same parents, as you can imagine he was more concerned as his 2 kids play in the conservatory where the ball keeps hitting off in case the glass smashes in. I have lived in this house since the estate was developed in 1998 and never had any bother at all except in the past few years, as I serial antisocial behaviour and other peoples children disrespecting your property, as well as having property stolen from the front of my house.

As well as the water pump that the water board erected on this section of greenery you have the older kids again sitting on top of it and drinking during the lighter nights, banging and kicking it or throwing their glass bottles at it.

I know myself the kids are bored there's nothing to do or no where to go which result in them hanging about in crowds getting up to no good. And the 2 so called play parks for the little children is not usable because of vandalism.

I appreciate that you might not think all these reasons serious enough to warrant the wall to stand but I cannot stress enough I did it for my own personal safety to protect my home and vehicle and own mental stability, with ongoing antisocial problems, as involving the police only aggravated some situations.



REASONS FOR Justification

I cannot apologise enough for my lack of knowledge in not knowing about planning permission for this. I sort of based my wall on my neighbour at no 34 Aldergate although she hasn't got a 12 inch railing above the wall and her wall is level as she's not on a gradient like mine the slimline railing served the purpose to keep next door's kids from walking or sitting on it, which they can't.

My point being that although you state it is an open plain estate and that no walls / fences / railings to be erected as there is a presedence in place you have already broken this presedence your self by allowing the other 3 walls to remain although you say everybody is an individual case but the facts regarding the incidents with neighbour disputes, vandalism, and stolen property I can back up with sop numbers from Strathclyde police the dates and times of incidents but due to the notice of writing this Review letter to you I have not received the relevant paperwork from Pitt Street HQ to back up my statements.

I also got in touch with my local MSP James Kelly and have enclosed a copy of his letter to me and Mr Archie Sheng about backing me regarding these incidents, that since this alteration was done I have had great peace of mind now, the kids still play here but I don't have a problem now as the wall keeps them away from my property.

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Reasons For Justification

I know the open plan precedence is for every neighbour to respect, this is not always the case. and that relevant policies are set in place to protect the character and appearance of the estate so it is pleasing on the eye when entering or leaving the estate.

As I said before I agree with the open plan rules as there are people who might build the most hideous things you could come across and nobody could do anything about it but I still think that the open plan precedence is a contention for disputes between some neighbours where people are becoming less disciplined and ^{or} respectful of other peoples boundaries resulting in eg, dog fouling, vandalism, trespassing and other things in general, which could result in future criminal and court costs, plus the adverse effect it has on health ie, stress, all to have an open view on set precedences in estates, couldnt it then challenge the open plan policy for certain individuals in these circumstances to help homeowners when not even policing any estate can help.

I can only hope you do consider people in my situation for the reasons in doing what I thought was the solution to ease these problems which it has done. I am more than willing to listen to any other recommendations to these problems but I do hope you take the time to consider my review and not judge because I didnt apply for planning permission to start with.

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REASONS FOR JUSTIFICATION

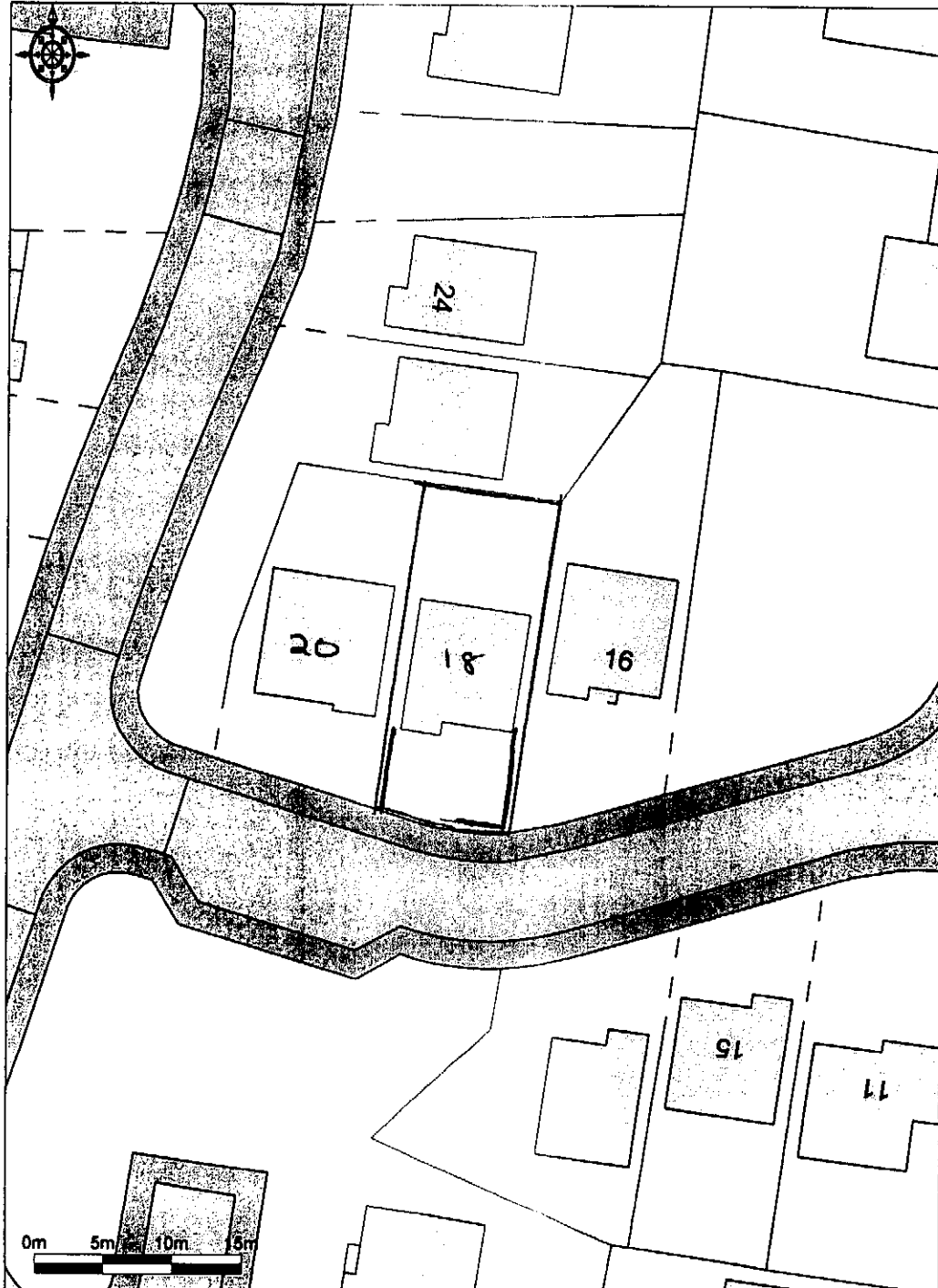
As I previously mentioned I've lived here since the houses were built in 1998 and I've seen many neighbours come and go, inspite of the recent problems I like living here and I hope that doesn't change for me, as I said before the wall was a cost I didn't expect to fork out for but feel I didn't have an option as I was at my wits end resulting in a bank loan for the next few years, as for other people erecting walls or railings I don't think that will be happening soon as my reason was all incident related, I can only hope you will take the time to consider my options with regards to maybe granting me permission for the wall to stay or altered, in some way. so that I can still have peace of mind knowing my house and property are safe, and not going back to the problems that I've occured with recent neighbours and their children, here I put anything else I can say in my letter to justify my actions for doing so, all I wanted was to come home from work and live a quiet life, I hope my letter has explained to the best of my ability that I do regret that I didn't know about open plan presedence when its already been broken by your good self. I hope I have submitted enough evidence to review my application on the grounds of what I've have written to you.

with regards

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South Lanarkshire Council

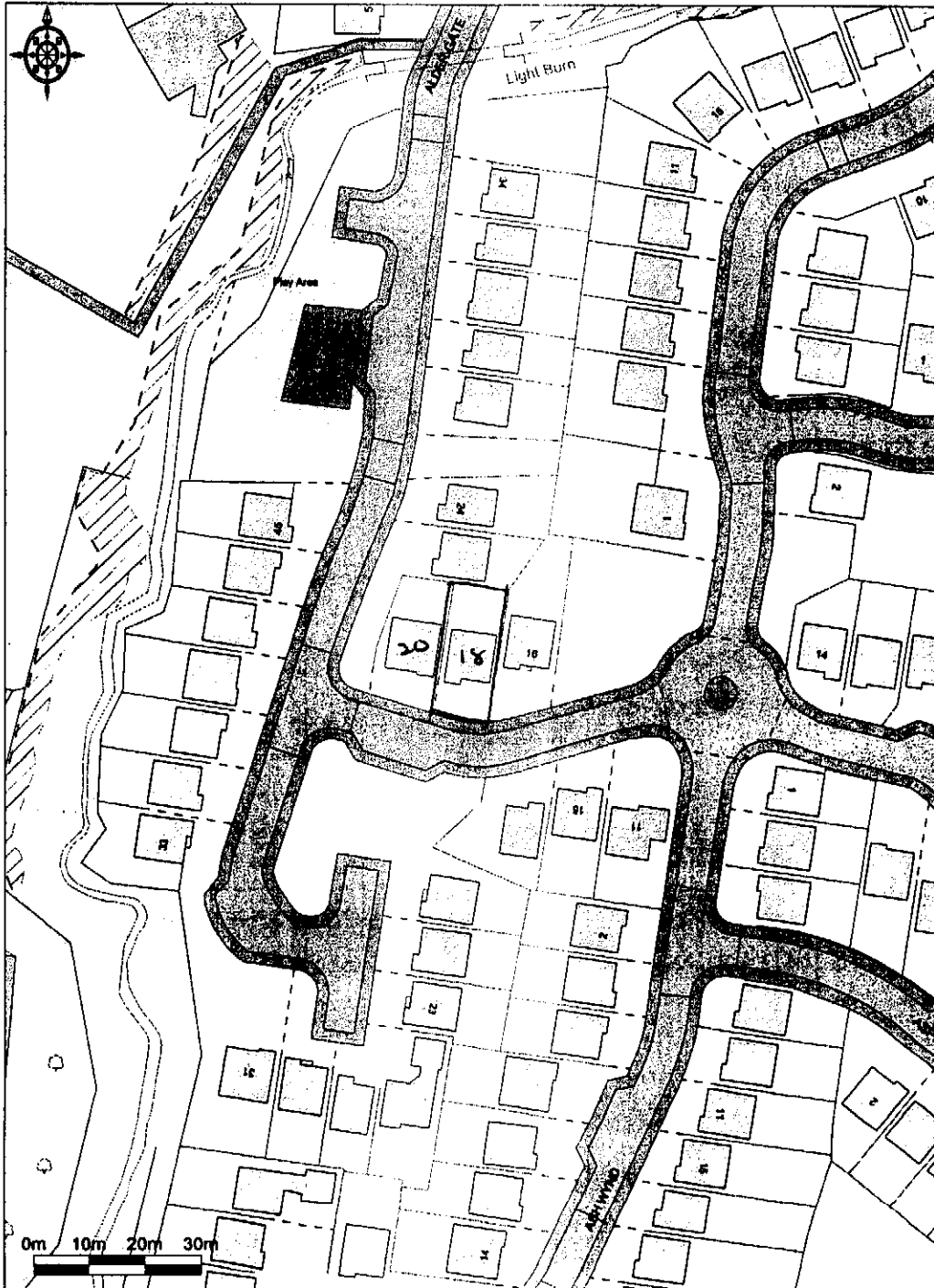


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18 Alder Gate, Drumsagard, Cambuslang

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18 Alder Gate, Drumsagard, Cambuslang

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The Scottish Parliament
Pàrlamaid na h-Alba

James Kelly MSP



Ms Kirstene Smith
18 Aldergate
Cambuslang
G72 7ZF

Our Ref: JK/MN/SMIT01043/01110053

31 January 2011

Dear Ms Smith

Planning Permission - Wall

Thank you for your recent e-mail and for attending my constituency surgery to discuss the above matter.

I have written to Archie Strang, Chief Executive of South Lanarkshire Council, on your behalf and will write to you again when I have a reply. I enclose a copy for your information.

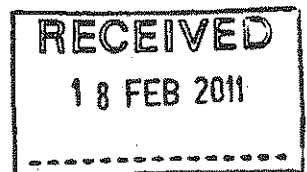
Moreover, I note that the wall was erected to help combat the various anti social behaviour problems you were experiencing at the above property and that since the wall was put in place the problems have ceased.

I would therefore be happy to support your case for the wall to remain. Should you wish to discuss any aspect of this matter further then please do not hesitate to get in touch with me.

Yours sincerely

James Kelly MSP
Member of the Scottish Parliament for Glasgow Rutherglen

Constituency Office: 51 Stonelaw Road, Rutherglen, G73 3TN
Tel: 0141 647 0707
Email: james.kelly.msp@scottish.parliament.uk





The Scottish Parliament
Pàrlamaid na h-Alba

James Kelly MSP



Mr Archie Strang
Chief Executive
South Lanarkshire Council
Almada Street
Hamilton
ML3 0AA

Our Ref: JK/MN/SMIT01043/01110053
Please quote on all correspondence
Your Ref:

31 January 2011

Dear Mr Strang

Re: Ms Kirstene Smith, 18 Aldergate, Cambuslang, G72 7ZF

I have been contacted by Ms Smith regarding an ongoing planning issue.

The matter relates to a wall that has been erected around the above property to help combat various anti social behaviour incidents that had been taken place. However, it is my understanding that planning permission has been refused and that Ms Smith intends to lodge an appeal.

Ms Smith has put it to me that the primary reason for the wall was to prevent further damage to her property and vehicle. Given this, she is keen to arrange a meeting with an Officer from the council in order to discuss her options and to receive any relevant advice and support.

I would be grateful if you would review the matter raised and reply to me as soon as possible.

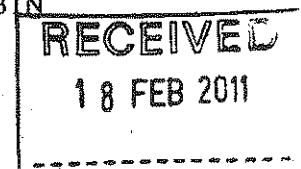
Yours sincerely

James Kelly MSP
Member of the Scottish Parliament for Glasgow Rutherglen

Constituency Office: 51 Stonelaw Road, Rutherglen, G73 3TN

Tel: 0141 647 0707

Email: james.kelly.msp@scottish.parliament.uk





FRONT ELEVATION OF 18 ALDERSATE

PHOTO (1)

INSIDE ELEVATION FRONT . PHOTO (2)



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FRONT ELEVATION · (3)

NEIGHBOUR NO 16 ELEVATION RIGHT SIDE photo (4)





RIGHT INSIDE ELEVATION SIDE WALL PHOTO (5)



~~PHOTO~~ NEIGHBOUR NO 20 SIDE LEFT ELEVATION PHOTO (6)

PHOTO 7



NEIGHBOURAT no 11 AZULEA GARDENS · PHOTO 8

NEIGHBOUR AT NO 15 AZELA GARDEN WALL
PHOTO (9)



PHOTO (10)



NO 34 AIDERSGATE, WALL

PHOTO (11)

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